

# Penn Museum

UNIVERSITY of PENNSYLVANIA MUSEUM  
of ARCHAEOLOGY and ANTHROPOLOGY

October 15, 2010

David Tarler  
Designated Federal Official  
Native American Graves Protection and Repatriation Review Committee  
United States Department of the Interior  
National Park Service  
1849 C Street, N.W.  
Washington, D.C. 20240

RE: Hoonah Indian Association and Huna Totem Corporation's Request for  
Repatriation to the University of Pennsylvania Museum of Archaeology and  
Anthropology

Dear Mr. Tarler:

We write in response to your letter dated September 10, 2010. Our intention is to provide the Review Committee with information relevant to answering the questions presented in your letter, with regard to the July 20, 2010 request of Hoonah Indian Association ("HIA") and Huna Totem Corporation ("HTC") that the Review Committee review and make findings of fact, and facilitate a dispute, between HIA/HTC and the University of Pennsylvania Museum of Archaeology and Anthropology ("UPM"), relating to the request by HIA and HTC for the repatriation of 39 catalogued items in the possession of UPM (hereinafter "Claimed Objects").<sup>1</sup>

To date, UPM remains committed to serving its missions of education, scholarship, and service in new, creative and strategic ways that support living Native American communities. Despite the dispute that remains between HIA/HTC and UPM with regard to the Claimed Objects, UPM remains committed to the education and preservation of Tlingit living clan history for future generations. As recognized in your letter of September 10, 2010, and in support of this commitment, UPM is prepared to repatriate eight of the objects claimed by the *T'akdeintaan* Clan, in recognition of their religious and cultural significance for the Tlingit people, out of respect for the tribe and its culture, in consort with UPM's continued interest in supporting Native American religious and cultural integrity, and in the spirit of NAGPRA.

UPM has also offered to enter into a joint curatorial arrangement with the *T'akdeintaan* Clan that allows for the remaining objects of the Snail House collection to be re-situated in Alaska at a

---

<sup>1</sup> We are including with this response, copies of the documents identified in this letter as Exhibits A, B and C, along with a copy of the DVD referenced in the response to Part II, Question #1 and a binder containing relevant correspondence between UPM and the claimants.

mutually agreeable and secure facility, where the objects would be identified appropriately as the *T'akdeintaan* and University of Pennsylvania Snail House collection, and made available to be used by the Clan to offer strength and healing to the Tlingit people, while also being made available to UPM for specific exhibits, as mutually agreed. In addition, UPM has made several proposals of a collaborative nature. To date, all offers by UPM have been resolutely rejected by the HIA/HTC.

UPM believes in the importance of returning Cultural Items, as defined in 25 U.S.C. § 3001(3), when the Cultural Items are of such religious and cultural significance for the requesting Indian tribe that failure to repatriate would contravene UPM's respect for the tribe and its culture, and UPM's continued interest in supporting Native American religious and cultural integrity, or when such repatriation is required under NAGPRA. However, UPM strongly believes that in this specific dispute, HIA and HTC are requesting an improper reading of NAGPRA that would disrupt the very balance that the statute was enacted to maintain – that between the concerns of the museums and universities that have worked diligently over time to protect, restore, and share Native American cultural items, and the concerns of the Indian tribes and Native Americans themselves.

### Claim History

#### **1995 - 2001**

The Tlingit *T'akdeintaan* Clan claim was initiated in September 1995 when UPM received a claim for 34 objects as Objects of Cultural Patrimony from HTC on behalf of the *T'akdeintaan* Clan, Snail House. These objects consisted of 34 objects from the Snail House collection, purchased by Louis Shotridge in 1924. UPM's research indicates that Shotridge purchased these objects from Mr. Archie White, the housemaster of Snail House, also known as Mt. Fairweather House.

After receiving the claim on September 26, 1995, UPM commenced an iterative process with HTC, which included a series of letters designed to focus and clarify the basis for the claim. The process resulted in three revised and superseding claims over the next three years as follows:

- In December 1995 HTC submitted additional information in support of its claim.
- In February 1998 the HTC submitted a revised repatriation claim for 45 objects, claimed as Objects of Cultural Patrimony and/or Sacred Objects. These objects consisted of the 34 objects initially claimed in 1995, as well as 10 additional objects from the Snail House collection, and one object (the Marmot Frontlet) purchased by Shotridge in 1918 from Mrs. Augustus Bean of Sitka.
- On March 23, 1998, UPM received a competing claim for the same objects from HIA, another federally recognized entity from the same town.
- On March 25, 1998, HTC resubmitted its repatriation claim of February, 1998.

After research and consultation, the Repatriation Committee of UPM concluded that it was unable to determine which of the two organizations was the appropriate claimant. Both groups had genealogical ties and appropriate clan connections to the Snail House. It was determined that the decision regarding the dispute over cultural affiliation needed to be resolved within the Hoonah community itself, and not arbitrarily by UPM. Moreover, the Committee considered both the HTC and HIA claims to be incomplete since they failed to meet the basic minimum standard required for all repatriation claims. Specifically, both claimed the objects using a general approach of identifying object type categories, and did not discuss each individual object with respect to the definitions put forth in NAGPRA.

#### 2001 - 2002

In May 2001, the two claimants resolved their dispute and submitted a joint repatriation claim by the Huna Heritage Foundation<sup>2</sup> ("HHF") for 45 objects (44 objects from the Snail House collection and one additional object, the Marmot Frontlet) as Objects of Cultural Patrimony. No objects were claimed as Sacred Objects in this submission. This claim met the basic minimum requirements, as the claimants provided pertinent information for each object requested.

Based on the analysis and findings of the Repatriation Committee, in May 2002 UPM's governing body, the University of Pennsylvania Board of Trustees, determined that none of the 45 objects claimed fit the NAGPRA definition of Object of Cultural Patrimony and, moreover, concluded that it had the Right of Possession, as defined by NAGPRA. In the process of evaluating whether the claim met the legal requirements, the significance of each individual object was evaluated. UPM concluded that some of the objects were of particular historical significance to the Snail House and the *T'akdeintaan* Clan. In recognition of this finding, out of respect for the Clan and its culture, and in the spirit of NAGPRA, the University offered to make the objects accessible to the Clan, including loan arrangements with the claimants for some or all of the claimed objects, and/or the possibility of transfer of certain objects of particular historical significance to the claimants. The claimants did not pursue the University's offer.

#### 2004 - 2005

In 2004, HHF contacted UPM requesting a letter of support for its grant proposal to the National Park Service for funds to visit UPM in order to consult with UPM on the repatriation claim. UPM supplied the requested letter of support.

In April 2005, eleven representatives of Hoonah visited UPM and formally asked the Director to reopen the claim. The Director agreed, pending the submission of a revised repatriation claim.

---

<sup>2</sup> HHF is not, itself, a federally recognized tribe for the purposes of NAGPRA, and therefore has no standing to individually request the repatriation of Cultural Items, or to request that the NAGPRA Review Committee facilitate the resolution of a dispute between the claimants and UPM.

## 2006 - 2009

In December 2006, HIA and HHF (on behalf of HTC) submitted a new repatriation claim for 47 objects as both Objects of Cultural Patrimony and Sacred Objects. This new claim included the Snail House collection and the Marmot frontlet headdress, as well as two additional objects: the Octopus Tentacle Staff (Catalog No. NA10513) and the Mt. Fairweather Peace Hat (Catalog No. NA8494).<sup>3</sup> The 2006 claim included substantial revisions, incorporated new data including oral testimony, and discussed each object claimed.

Following UPM's research about the new objects and discussions between UPM and the clan, by letter dated July 10, 2008, the claimants dropped their claim to the two additional objects, the Octopus Tentacle Staff (Catalog No. NA10513) and the Mt. Fairweather Peace Hat (Catalog No. NA8494), from the 2006 claim. One factor that contributed to this was a competing claim for the Octopus Tentacle Staff from the Sitka *L'ooknax.ádi* Clan. Also, UPM requested clarification regarding clan affiliation of the Mt. Fairweather Peace Hat.

### Claim Evaluation by UPM's Repatriation Committee

Working in consultation with the University of Pennsylvania's Office of General Counsel, UPM's Repatriation Committee, a diverse group consisting of staff and scholars from across the Museum, met on numerous occasions over the course of several months to evaluate the 64 page revised repatriation claim. The Repatriation Committee evaluated the claims from an anthropological perspective, using all relevant sources of information. In addition to reviewing the information presented in the revised claim, the Repatriation Committee reviewed documentation in UPM's archives and relevant anthropological literature. The Repatriation Committee also consulted with Tlingit scholars and specialists in the field. In addition, it considered information gained from six consultation visits with various Tlingit representatives who came to the Museum to examine its Tlingit holdings over the past five years and it drew from the experiences of four Committee members who, at the invitation of individual clan leaders, had observed the use of Tlingit objects in five contemporary potlatch ceremonies in Alaska between 2003- 2006. These experiences added insight to UPM's discussions regarding current Tlingit ceremonial practices.

The claim states that all of the objects are to be considered as both Objects of Cultural Patrimony and Sacred Objects and discusses the objects' relationship to these two categories at the same time. Given that NAGPRA delineates different criteria for each category, the Repatriation Committee believed that it was appropriate to address these categories separately. Thus, the Committee's evaluation of the Claimed Objects involved three phases. First, it systematically looked at whether each object fits the NAGPRA definition of Object of Cultural Patrimony. Second, it evaluated whether each object qualifies as a Sacred Object under NAGPRA. Finally, the Committee examined the evidence regarding Right of Possession.

---

<sup>3</sup> For each Claimed Object referenced in this background and in UPM's responses, we use the complete catalog number assigned by UPM.

In determining whether an object meets the definition of Object of Cultural Patrimony the Repatriation Committee scrutinized the available information about each object with the following questions in mind:

1. Was the object communally owned at the time of its sale?
2. Was the object of central historical, traditional or cultural importance at the time of its sale?
3. Does the object have ongoing cultural significance today?
4. Was the object considered inalienable at the time it was separated from the group?

In determining whether an object meets the definition of Sacred Object, the Repatriation Committee examined the following questions with respect to the object:

1. Is the object needed by a traditional religious leader?
2. Is the object needed for a traditional religious ceremony or ritual?
3. Is the object related to an identified historic ceremony or ritual?
4. Is the object devoted to a traditional Native American religious ceremony or ritual?
5. Does the object have religious significance or function in the continued observance or renewal of a present day ceremony or ritual?

In evaluating Right of Possession, the Repatriation Committee first looked to see whether the information presented by the claimants regarding the sale and acquisition of each object standing alone would support a finding that UPM does not have the Right of Possession, as defined by NAGPRA. It then examined other available evidence and made an assessment of whether or not, by a preponderance, the evidence supported the finding that UPM does have the Right of Possession to the object.

*UPM's Resolution to Repatriate Clan Objects and Establish a Partnership*

As a result of the Repatriation Committee's careful and thoughtful review of the revised claim by HIA and HHF (on behalf of HTC), UPM determined that eight of the Claimed Objects meet the NAGPRA definitions of Objects of Cultural Patrimony and/or Sacred Objects. Specifically, the Repatriation Committee determined that: (1) the Lituya Bay Robe (Catalog No. NA6829) meets the definitions of both Object of Cultural Patrimony and Sacred Object; (2) the Shaman's Drum, "Old-Man-of-War" Box Drum (Catalog No. NA6828) meets the definition of Object of Cultural Patrimony; (3) the Shaman's Mask, "Owl Mask" (Catalog No. NA6831) meets the definition of Sacred Object; (4) the Ceremonial Mask, "Commander of the Tide" (Catalog No. NA6832) meets the definition of Sacred Object; (5) the *Shakee.át* (Frontlet), *Géelák'w* ("Ravine Frontlet) (Catalog No. NA6835) meets the definition of Sacred Object; (6) the Shaman's Headdress, *Yeatl-Shada* ("Raven Head Cover") (Catalog No. NA6836) meets the definition of Sacred Object; (7) the Ceremonial Rattle, "Loon" (Catalog No. NA6835) meets the definition of Sacred Object; and (8) the Pipe, (Catalog No. NA6862) meets the definition of Sacred Object.

The Repatriation Committee determined that the remaining Claimed Objects do not fit either the category of Object of Cultural Patrimony or Sacred Object. Furthermore, the Repatriation Committee determined that the evidence presented by the claimants did not support a finding that UPM does not have a Right of Possession to the Claimed Objects, as that term is defined in 25 U.S.C. § 3001(13), and that, even if the information provided could support such an inference, the evidence adduced by the Repatriation Committee regarding the sale and acquisition of the Claimed Objects overcomes that possible inference.

However, notwithstanding the finding of the Repatriation Committee that UPM has right of possession to all of the Claimed Objects, UPM recommended repatriation of eight of the Claimed Objects to the *T'akdeintaan* Clan, and its governing board approved such action. See Resolution to Repatriate Clan Objects and Establish a Partnership between the Tlingit *T'akdeintaan* Clan of Huna, Alaska, and the University of Pennsylvania Museum of Archaeology and Anthropology, attached hereto as Exhibit A, hereinafter "Resolution." The University's Board of Trustees also authorized UPM to resituate the remaining Claimed Objects in Alaska under a joint curatorial arrangement with the Clan. In addition, the Board of Trustees authorized UPM to pursue a substantive partnership that would promote future collaboration and educational exchange between the tribe and UPM. *Id.* Further, the Board of Trustees gave approval for UPM to propose six specific initiatives for discussion and consideration with the Clan, including a proposal to help raise funds to support the development of the new Huna Cultural Heritage Center, an offer of professional training in the form of internships and workshops on the care, conservation, and exhibition of museum collections and archives, and an invitation to the Tlingit people to serve as co-curators, advisors and curatorial interns in developing new exhibitions in Philadelphia, and traveling exhibitions that could tour Alaska and around the world. *Id.*

By letter dated October 12, 2009, HIA and HTC rejected the Resolution, including the return of the eight objects, the joint curatorial arrangement for the remaining objects, and various proposals to promote a partnership between UPM and the *T'akdeintaan* Clan. See Letter from HIA and HTC to R. Hodges, dated October 12, 2009, attached hereto as Exhibit B. They chose instead to bring this dispute proceeding before the NAGPRA Review Committee.

### Responses to Questions Presented

#### **Part I: Issues of Fact Regarding the Identity of Items**

**Question #1:** In their written request to the University of Pennsylvania Museum of Archaeology and Anthropology for the repatriation of a "Shaman's Drum, 'Old-Man-of-War' Box Drum" identified by the Museum as catalog number 6828, did the Hoonah Indian Association and the Huna Totem Corporation show that, more likely than not, the item in question was a "sacred object," as this term is defined at 25 U.S.C. 3001(3)(C) and 42 C.F.R. 10.2(d)(3)?

**UPM Response:** The Repatriation Committee found that the claimants failed to show that, more likely than not, the "Shaman's Drum, 'Old-Man-of-War' Box Drum" (Catalog No. NA6828) was a Sacred Object. As discussed above, the Repatriation Committee regarded as Sacred Objects those objects that were devoted to a traditional Tlingit ceremony, such as a *koo.éex*, and which

have religious significance or function in the continued observance or renewal of such ceremony. The Committee found that the "Shaman's Drum, 'Old-Man-of-War' Box Drum" (Catalog No. NA6828) does not meet the definition of Sacred Object because it was not persuaded that this specific drum was "devoted to" a traditional Tlingit ceremony or that it would function in a continued observance or renewal of a religious ceremony or ritual.

The Committee did determine that the "Shaman's Drum, 'Old-Man-of-War' Box Drum" (Catalog No. NA6828) meets the definition of Object of Cultural Patrimony because it holds central and ongoing historical, traditional and cultural significance for the clan. Louis Shotridge's documentation reveals that this drum was the first "object of heirloom" in the possession of the Snail House Family. It is described as 'à n-yá dī, and was made by Xù x-yè lé tē of the Tcùkàn-è dí clan. It was owned by clan leader Yàk' -x' à n I of the Tá x' Hít family, and made when X' è tē á k' proved his spiritual power as a shaman. Four heirs are noted including Kìtē-xít' à; Yàk' -x' à n II; L' à k á k' ù; and Tù q' à -xà w". The drum is carved to represent "À d à wù l- c à n", Old man of War, the helping spirit of the "great" shaman. The drum's status as the first object of the clan, made to represent the healing spirit of the clan's first and greatest shaman, marks it as of exceptional importance. UPM has agreed to repatriate this item, as an Object of Cultural Patrimony, despite UPM's belief that it holds Right of Possession, as discussed below.

**Question #2:** In their written request to the University of Pennsylvania Museum of Archaeology and Anthropology for the repatriation of 37 catalogued items, did the Hoonah Indian Association and the Huna Totem Corporation show that, more likely than not, some or all of the items in question were objects of "cultural patrimony," as this term is defined at 25 U.S.C. 3001(3)(D) and 43 C.F.R. 10.2(d)(4)?

If yes, which items were shown to be objects of cultural patrimony?

**UPM Response:** The Repatriation Committee determined that six of the 37 catalogued items meet the definition of Sacred Object but not Objects of Cultural Patrimony – (1) the Shaman's Mask, "Owl Mask" (Catalog No. NA6831); (2) the Ceremonial Mask, "Commander of the Tide" (Catalog No. NA6832); (3) the *Shakee.át* (Frontlet), *Géelák'w* ("Ravine Frontlet") (Catalog No. NA6835); (4) the Shaman's Headdress, *Yeatl-Shada* ("Raven Head Cover") (Catalog No. NA6836); (5) the Ceremonial Rattle, "Loon" (Catalog No. NA6835); and (6) the Pipe, (Catalog No. NA6862). The Repatriation Committee further determined that HIA and HTC failed to show that, more likely than not, the remaining catalogued items were Objects of Cultural Patrimony.

The Repatriation Committee determined that these six objects were devoted to a traditional Tlingit ceremony and that the clan wishes to use these objects in ongoing religious ceremonies for the benefit of the entire Tlingit community. The Repatriation Committee learned, moreover, that these objects are associated with the spirits of highly important deceased clan leaders, and embody the spirits of leading clan ancestors.

More specifically, the Repatriation Committee found that:

1. The Shaman's Mask, "Owl Mask" (Catalog No. NA6831) embodies the spirit of *X'èdják'*, an important shaman of the clan and as such, holds continued religious significance for *T'akdeintaan* clan members today. Louis Shotridge's documentation reveals that the Owl Mask is a shaman's mask named *Kìwà-tsúsk'ù-qù-yé k*. It was made by *K'àn-yá dī* of the *Tcùkàn-è dī* clan. Its owner was *Kìtc-xít'à* of the "Snail House" family. The mask was made at Drum-side town (Hoonah) when the Owl-of-the-heavens helping spirit came into *X'èdják'*. The mask represents an owl sitting on a stump. After the shaman escaped from the *Tàn-t'à q-q'án* war party, *X'èdják'* brought his household to live at the headwaters of *Xák'-tcùkà Hín*. His wife reminded him of his sister's position in captivity and *X'èdják'* retired to the forests of *Tsál-xa'n* (Mt. Fairweather) where, after prolonged fasting, the spirit of the Owl-of-the-heavens entered into his being. Since that event, the Owl spirit was the source of his powers of strength and healing. In Tlingit society, shamans were Tlingit religious leaders and healers with supra abilities to confer with the spirit world. Their clan objects, such as this mask, were used in healing and considered potent; they continue to be considered as such today, albeit in new ways.
2. The Ceremonial Mask, "Commander of the Tide" (Catalog No. NA6832) has religious significance and function in the continued observance of the Tlingit religious potlatch today. Louis Shotridge's documentation reveals that this mask is named *Yù-qis'-kùqék* and refers to Raven's control of the rise and fall of the ocean tides. The mask was owned by *Tùq'à-xà w'* II (Archie White) of "Snail House," and formerly owned by a *Qàsx'àq'è dī* family of *Ctâx'-hín* [Wrangell]. The mask was to be used on the occasion of the *qátà'n* "call-together" at Grouse Fort, in approximately 1876, when the owner went to Wrangell where he purchased it. Archie White was given the name *Yù-qis'-kùqék* when, as Housemaster, he restored and rededicated the Mt. Fairweather House at Hoonah. The name was gifted to him by opposite clan members who witnessed and validated the restoration of the house and honored him with the name. According to the claimant, this name has been passed down and continues to be used today in the housemaster line. The crest is represented in multiple forms today including a story, the name, and the mask, which continue to be used in ritual potlatch ceremonies.
3. The *Shakee.át* (Frontlet), *Géelák'w* ("Ravine Frontlet") (Catalog No. NA6835) has religious significance and function in the continued observance of the Tlingit religious potlatch today. Louis Shotridge's documentation indicates that this headdress is called *Gílák'*. It was made by *Qàk'sàk'à* of *Tcùkàn-è dī* Clan, and owned by *Qàtcxùt-tì* of "Snail House." It was made for the rebuilding of the Snail House at "Drum-side" Town (Hoonah). *Gílák'* is also the name of a sand mount at Dry Bay near Yakutat. The headdress is carved to represent a mythic event that occurred there when Raven, the Creator, lured the king salmon in an episode of the mythic Raven's Journey cycle. The crest designs on the headdress are also represented as markers of identity on the clan's house front (Claim p. 32). A copy of the Museum's headdress is used in Huna today. The copy featured prominently in the mourning speech delivered by Jessie Dalton at Jim Marks



memorial potlatch in 1968 (Dauenhauer and Dauenhauer 1990: 256-57, Claim p. 32), and during the "Killing the Money" dance at a 2005 *T'akdeintaan* memorial potlatch (Claim p. 33). Four members of the Repatriation Committee saw similar frontlet headdresses in use by leading men of other clans at each of the memorial potlatches attended between 2003 - 2007.

4. The Shaman's Headdress, *Yeatl-Shada* ("Raven Head Cover") (Catalog No. NA6836) has religious significance and function in the continued observance of the Tlingit religious potlatch today. Louis Shotridge's documentation reveals that the Raven Head-cover is named *Yél-càda*. It was made by *Kùlkî-íc* of the *qûs-k'-èdí* clan and was owned by *Yàk"-x"àn I*, a Housemaster and leader of Snail House. The headdress was made at the time when *X'ètcák"* became a shaman, with hopes of establishing a place among shamans of rank. Two heirs, both leading men, are listed for the object including *Kìtc-xít'à I*, and *Yàk"-x"àn II*. The original headdress was called, - *Sàn'yà-qá tùqá*, but at the death of the last shaman its name was modified. According to Shotridge, after the hat was passed down to *Kìtc-xít'à*, he had his slave, *L' à-kák'ù*, replace the original figure with that carved to represent the Raven. Since then the headdress became a permanent object among the possessions of the clan. It is stated that two male slaves were given in honor of the improvement. Because of its history, the headdress embodies the spirits of leading *T'akdeintaan* shamans and two House Masters, *Yàk"-x"àn I* and *Kìtc-xít'à I*. A copy of this Raven head-cover is in use at Hoonah today. The only identified published account of its use was when John Marks wore the headdress in a potlatch ceremony to commemorate the repair and rebuilding of Raven House in 1974 (Dauenhauer and Dauenhauer, 1994:369).
5. The Ceremonial Rattle, "Loon Spirit" (Catalog No. NA6835) has religious significance and function in the continued observance of the Tlingit religious potlatch today. Louis Shotridge's documentation indicates that this rattle is called *Kagit*. It was owned by *Kè-hínúk"* of the "Snail House" Family. A shaman's rattle, it was made to represent *Kà gít-qù-yé k*, the helping spirit of the very first shaman of the clan and used as part of a religious leaders' paraphernalia. Four Committee members have seen a similar rattle used by the *L'ooknax.ádi* clan leaders at several memorial potlatches attended between 2003 - 2007.
6. The Pipe, (Catalog No. NA6862), has religious significance and function in the continued observance of the Tlingit religious potlatch today. This pipe was used in *T'akdeintaan* Clan funerals to spiritually "feed" the deceased and to evoke the spirits of clan ancestors. It is specifically devoted to traditional funeral ceremonies. Research reveals that carved pipes such as this one in the *T'akdeintaan* Snail House collection were loaned to high ranking individuals for use at the Smoking Feast for the dead, one aspect of the traditional memorial potlatch that took place over several days (de Laguna 1972: 533-4; Emmons 1991: 273). The Committee believed the use of clan pipes continues today as part of this Tlingit religious practice. However, this finding is now contradicted by the claimants' recent statement. They write "The ceremony is no longer practiced as part of Tlingit funerals: and the smoking feast was "formerly part of the funeral rite" (Letter to David Tarler, July 20, 2010).

UPM has agreed to repatriate these six items, as Sacred Objects, despite UPM's belief that it holds Right of Possession, as discussed below.

When determining whether these six items, and the remainder of the 37 catalogued items, meet the definition of Objects of Cultural Patrimony, the Repatriation Committee evaluated each item in terms of historical and ongoing significance, centrality, communal ownership and alienability. The Committee determined that none of the 37 catalogued items meet all of the criteria set forth in the statutory definition of Objects of Cultural Patrimony.

### *Historical and Ongoing Significance*

With regard to the 37 catalogued items, the Repatriation Committee found that some of these objects have historical and ongoing significance for the clan. In assessing this criteria, the Committee considered several factors, including the Tlingit category of *at.óow*, an object's association with historical events, historical personages, or important places, and the fact that some of these objects were copied and are in current use by the clan.

Clan objects are valued by virtue of the number of times they have been "brought out" as *at.óow* in ceremonial contexts, such as memorial potlatches. *At.óow* is a sophisticated Tlingit concept that has been variously defined as "an owned or purchased thing" (Dauenhauer and Dauenhauer 1990:14). The purchase and subsequent ownership may come through money, trade, or peacemaking, as collateral on an unpaid debt, or through personal action, usually involving loss of life (Dauenhauer and Dauenhauer 1990:15). Most often, and most seriously, the purchase is through human life- the giving of one's life for the image. In Tlingit tradition, the law is that a person pays for a life he or she has taken. Payment may be with one's own life, with someone else's life as a substitute, or with something of great value. Hence, if an animal (or natural object or force) takes the life of a person, its image may be taken by relatives in payment. In these cases, an individual may have lost his or her life as a result of the encounter because they had violated a moral code which requires humans to respect animals and nature. *At.óow* can refer to land (a geographical feature or place), a heavenly body (the sun, the milky way), a spirit (including a shaman's spirits and animal spirits), a personal name, and artistic design, an image from the Raven cycle on an object such as a tunic, hat, robe or blanket, or a story or song about an event in the life of an ancestor (Dauenhauer and Dauenhauer 1990:14-15). According to Rosita Worl (1998:92), *at.óow* refers to the visual representations or designs which depict the encounters between humans and supernatural entities.

Shotridge associated several objects in the claim with historical events, historical personages or important places. He identified three objects as linked to one or more of the re-buildings of Snail House. Barsness (1989: 40) indicates that Snail House was rebuilt in the late 1870s or early 1880s, again in the early 1900s and a third time sometime before 1937. The Ravine Frontlet (Catalog No. NA6835) was specifically made for this purpose. The Raven rattle (Catalog No. NA6844) was purchased for a rebuilding event, and the Jellyfish Hat (Catalog No. NA6838) was also worn during a rebuilding event. Only one of these objects (the Ravine Frontlet,

Catalog No. NA6835) appears to have been brought out as *at.óow*. UPM is not aware of any evidence that either of the other two objects was brought out as *at.óow*.<sup>4</sup>

There are also five (5) objects associated with important shamans. The Box Drum (Catalog No. NA6828), Owl-of Heavens Mask (Catalog No. NA6831), and the Raven Headcover (Catalog No. NA6836) were owned by *X'edjak'u*. Shotridge records that *X'edjak'u* was a "Great Shaman" and the latter object was made at the time when he became a shaman "with the hopes of him establishing a place of rank" among shamans. The Loon Spirit Hat (Catalog No. NA6847) is linked to the time when its owner *Yaku-xuan I* became a subject to his deceased uncle's (i.e. *Kehinuko*) helping spirits. The Loon Spirit Rattle (Catalog No. NA6845) is associated with the helping spirit of the first shaman of the clan, *Ke-hi.nuku* (possibly *Yaku-xuan I's* uncle).

The *T'akdeintaan* clan currently has copies of three objects in UPM's collection. These are the Sun Mask (Catalog No. NA6830), the Loon Spirit Hat (Catalog No. NA6847) and the Ravine Frontlet (Catalog No. NA6835). The copy of the Loon Spirit Hat was commissioned from an artist from Bellingham, Washington in 1988 (Barsness 1989: 66). Other known copies include the current Mt. Tribe Dog hat and the Mt. Fairweather Woman's hat, both of which were made to replace clan objects destroyed in the Hoonah fire of 1944 (Barsness 1997).

The copying of objects is a traditional Tlingit practice and associated with the renewal of crest objects. De Laguna (1972:453) states that "Just as we have seen old lineage houses replaced by modern structures that bore the same names, so old crest hats or blankets that wore out or were destroyed at a funeral were replaced by new items called by the same names, such as Mt. Saint Elias Blanket or the Thunderbird blanket. The new object was not necessarily a duplicate of the old; it was only a symbolic equivalent." Kan (1989:175) provides additional support, stating that clan crest objects were occasionally destroyed as justification for the commissioning and dedication of a replacement. He also observes that in this case "The new object carried the same name as its predecessor but had a higher value" (1989:334). The existence of copies of these objects attests to the ongoing importance of the crests represented on these objects. However, the claimants did not explain the relationship between these objects and their copies or provide information to show how the objects have ongoing significance. Given the existing practice of object renewal, the Committee did not regard the replaced objects as having ongoing significance.

There is also evidence of discontinuity in the use of specific objects, which goes against the claimants' assertion that those objects have ongoing importance. For example, masks no longer seem to be in common use in potlatches. Kan (1989:230) states that "According to Swanton (1908:436), masks - presumably the same as those used by shamans - were put on by the dancers performing *yeik utee* (the shaman's spirit dance). In present-day potlatches, only *shakee.át* (frontlet) headdresses are used." There are no masks identified as contemporary *T'akdeintaan at.óow* in the Dauenhauer and Dauenhauer (1990:87- 88). Another example is the group of 12 cedarbark objects associated with the *Lukanaa* ceremony. According to Shotridge,

<sup>4</sup> UPM notes that, although an object's status as *at.óow* may help to satisfy certain criteria, such as historical significance or communal ownership, it is not sufficient, in and of itself, to classify the object as an Object of Cultural Patrimony or as a Sacred Object, as defined by NAGPRA.

these are all part of a single individual's outfit. However, we do not know of this ceremony being performed today. In addition, the evidence fails to show that the pipe has ongoing importance; the claimants now state that the smoking ceremony "is no longer practiced as part of the Tlingit funerals" and it was "formerly part of the funeral rite" (Letter to Tarler, July 20, 2010).

### *Centrality*

The claimants state that both the right to use a crest and crest objects themselves are central to the clan and communally owned. The claimants have identified three "recognized crests" of the *T'akdeintaan* Clan: Mt. Fairweather Crest, Sea Pigeon Crest, and Raven Crest. Tlingit scholars Rosita Worl (1998:304) and Nora Dauenhauer (1994:7) identify the Sea Pigeon/Seagull/Tern as the main or major crest of the *T'akdeintaan* Clan.

Although the *crest system* is no doubt central to Tlingit culture, the anthropological literature makes clear that not all crests and crest objects are of central importance to a given clan. Thus, for example, Swanton, states:

As with other Northwest coast peoples, the different Tlingit clans usually laid claim to certain distinctive carvings and names; but, unlike the Haida clans, each of which used a number of crests of this kind, the Tlingit divisions had comparatively few, and *generally held but one or two in particular esteem*. In the case of carvings, these crests were commonly held in special consideration only when they occurred in some definite form such as a wooden hat, house post, or baton. (1908:415) (emphasis added).

De Laguna, an anthropologist adopted by a Tlingit clan of Yakutat, provides additional support in her discussion of the ownership of crests: "Of paramount importance is the particular totemic crest each sib [clan] assumes as its *chief* emblem or as its own exclusive prerogative" (de Laguna 1972:453) (emphasis added). She also states, "While there are evidently several orders of crests those derived from the major totemic animals are of *primary importance*, since these offer the most varied types of representation; in graphic art, in masquerade and dramatic mimicry, in cries, and in personal names (de Laguna 1972:455) (emphasis added).

Oberg (1973, p. 45) states that there are three classes of crests. The first are the phratry (moiety) crests "for the natives themselves always give them first place." The second class consists of the emblems or crests that "relate to the supernatural experiences of the mythical ancestors of the clan." The third class includes the house group crests, "which in potlatches are given the lowest value." Other sources, however, indicate that moiety crests were considered to be secondary to the clan crests. For example, de Laguna (1972:453) states that "Although moiety crests, and some others, are shared by several sibs (clans), what is far more important for the Tlingit, as we shall see, is the distinctive emphasis which each sib tends to give to the common emblem." A similar perspective is given by Kan (1989:69) who writes, "While all of the clans constituting a single moiety were entitled to the use of its crest (either raven or eagle/wolf), an individual person identified more strongly with the crests of his or her clan and house/lineage."

### Primary or main crests

The primary crests of the *T'akdeintaan* clan appear to be the Seagull (also called Sea Pigeon or Tern) and/or Mount Fairweather. Swanton (1908:418) reports that the clan had as emblems a mountain at Cape Fairweather called *Tsalka'n*, which was represented on a hat, and a rock, *Ta'naku*, which was employed in various ways. Harold Jacobs (1993) identifies the emblem of the *T'akdeintaan* as Mount Fairweather with Seagull as a sub-crest. The Dauenhauers (Dauenhauer and Dauenhauer 1990:7), however, identify the crest of the *T'akdeintaan* as Seagull. Worl (1998) lists the Sea Pigeon *k'eik'w* as the *T'akdeintaan* (Hoonah) main crest and states that "at present, many of the *T'akdeintaan* refer to their primary crest as "Tern" which in Tlingit is "*Kool'eet'a*" (303).

### Secondary crests

The anthropological literature reveals that, in addition to the primary or major crests usually represented by an animal, clans also had secondary crests (Kan 1989:69). There appear to be two kinds of secondary crests, namely: sub-crests, and borrowed crests.

Sub-crests appear to be of three types (de Laguna 1972:456). The first is those associated with geographical places. Examples include those associated with prominent mountains such as Mount Saint Elias for the Yakutat Tlingit or possibly Mount Fairweather for the *T'akdeintaan* (if not a primary crest). The second includes crests based upon some unique natural feature that according to de Laguna "have no purely local significance." Examples of these include the moon and constellations. The third consists of unique objects. These might include trophies seized in war or shamans objects that presumably have become secularized (since otherwise they would be dangerous to their users).

Borrowed crests refer to crests received through purchase, gift or marriage exchange, or taken in war. Shotridge provides important information on the relative status of borrowed crests. He states that, "Through changes (succession) of leaders with different distant relations, a variety of mostly borrowed crests were hoarded in the collection of some of the leading clans. Although these were taken usually for some acceptable reasons, *they never occupy the same rank with the main crests among which they are found.*" (Shotridge 1919:43) (emphasis added).

### Crests represented in the Snail House collection

The 37 catalogued items do not include any object directly associated with Seagull (also called Sea Pigeon or Tern) and only one possibly associated with Mt. Fairweather, the Ravine Frontlet (Catalog No. NA6835). There are, however, five (5) objects associated with Raven which we understand is a moiety crest but not a main crest. These are: the Ravine Frontlet (Catalog No. NA6835), the Raven Head Cover (Catalog No. NA6836), the Jellyfish Hat (Catalog

No. NA6838), the Raven Feast Spoon (Catalog No. NA6863), and the Raven Staff Head (Catalog No. NA6843).<sup>5</sup>

There are twelve (12) objects in the list of 37 catalogued items that incorporate crest images that fall into the category of sub crests. The Dry Bay sand mount (Ravine Frontlet, Catalog No. NA6835) is a geographical crest possibly associated with Mt. Fairweather. Shaman crests represented in the catalogued items are the original Loon Spirit (the Loon Spirit Hat and Loon Spirit rattle, Catalog No. NA6847 and Catalog No. NA6845) and Owl of the Heavens (Owl of the Heavens Mask, Catalog No. NA6831). Borrowed crests represented in the catalogued items are Whale (the Diving Whale blanket and Whale Dance collar, Catalog No. NA6848 and Catalog No. NA6855), Beaver (the Beaver Frontlet, Catalog No. NA6841), Thunderbird (the Thunderbird frontlet, Catalog No. NA6834), Sun (the Sun Mask, Catalog No. NA6830), Commander-of the Tides (the Commander-of-the-Tides mask, Catalog No. NA6832), and Gunaakadeit (the Gunaakadeit Mask, Catalog No. NA6833).

The claimants make a general assertion that all crest objects are of central importance to the tribe. However, the ethnographic literature indicates that, while the crest system is of central importance, specific crests are ranked differently. None of the Claimed Objects display the Sea Pigeon crest, and only one has a possible Mt. Fairweather crest association.

#### Object Rank

During the period in which the Claimed Objects were sold, just as crests were ranked by the Tlingit, so too were object types. Shotridge states:

... individual house-group emblems or crests. . . are usually represented in carvings and paintings *on house pillars, batons, helmets and ceremonial hats*. The pillars bearing the crests were placed in council houses, while the other objects of *this class* were used only when appropriate occasions called for so doing, such as special performances during important conventions or potlatches, peace dances, in wars and on all formal ceremonies. They are classed as community property . . . (Shotridge (1919:43) (emphasis added).

De Laguna's (1972) research at Yakutat suggests that the head house itself is the most important clan crest object. Kan (1989:194) provides clarification, "The house itself, the scene of the potlatch, was the host lineage's major crest presented to the opposites in its highest moment of glory." Objects associated with the house include painted fronts, house posts, and screens (de Laguna 1972:452).

In terms of portable objects, the anthropological literature indicates that clan crest hats are the most highly ranked. Oberg (1973:15) writes that "Of the ceremonial objects, the most important are the crest hats worn by the representatives of the important houses and clans. They are made of wood and shaped like a cone with the crest animal represented on top.

<sup>5</sup> The Raven Rattle (Catalog No. NA6844), however, is not here considered to be a Raven crest object as it is an object type that was widely used by both moieties.

Decorations of shell, weasel fur, and sea lion whiskers are placed around the crest figure." Kan (1989, p. 129) states that "[*aan kaawu*-the chief's clan hat] was the most valuable representation of a matrilineal group's crest, carefully guarded by its leader and worn by him or by a few selected aristocrats only during potlatches and some other highly auspicious occasions." The clan chief and other aristocrats also wore frontlets, a style of headdress apparently borrowed from the Kwakiutl (Shotridge 1919:48).

There are four frontlets (*shakee.át*) among the Claimed Objects, namely: the Ravine frontlet (Catalog No. NA6835), the Marmot frontlet (Catalog No. NA8498), the Beaver frontlet (Catalog No. NA6841), and the Thunderbird frontlet (Catalog No. NA6834). Kan's (1989: 130-131) discussion of frontlets indicates that, by 1850, they were not as prestigious as clan hats, which were collectively owned, and that frontlets were in the process of becoming personal property of the wealthy and high-ranking aristocrats and traded widely. Shotridge (1919:48) says specifically of the Marmot frontlet that "this style was made more for show than for its history, hence it may not necessarily be classed as a possession of the house group."

In sum, few of the Claimed Objects are "primary" object types (hat, helmet, house screen, house post, and canoe) identified in the anthropological literature and few are arguably primary crest objects. Shotridge's documentation indicates that Archie White himself did not highly value the Shaman's Hat, "Loon Spirit" Hat, Catalog No. NA6847. The claimants did not present sufficient evidence to show that any of the catalogued objects were considered to be of central importance at the time they were sold. Based on its review of available evidence, the Repatriation Committee concluded that the Claimed Objects are generally not the types of objects recognized as primary within the hierarchy of object types that exists within clan culture.

### *Communal Ownership*

The claimants assert that all of the Claimed Objects are important *at.óow* of the *T'akdeintaan* Clan, that were owned and inherited as a single collection of Clan possessions. However, as explained by Tlingit author Nora Marks Dauenhauer:

An event, person, place or art object doesn't automatically receive instant status as *at.óowu*. The design is usually executed initially as a mere piece of art. An individual or clan traditionally commissions an artist of the opposite moiety to create it, although it is becoming increasingly common for members of a clan to produce their own art work. The art object will always feature an *at.óowu* of the clan, . . . new objects may eventually become *at.óowu* through ceremonial use and dedication . . . Once an owner of such a piece decides it is important enough, he or she will 'bring it out' in memory of a deceased relative at a ceremonial and give it a name. It is then usually put on the owner or on the grandchild of the owner by an appropriate member of the opposite moiety according to genealogy. Once this is done, the piece itself becomes an *at.óowu* in its own right. (Dauenhauer 1994:17-19).

As Rosita Worl explains: "Under the terms of NAGPRA, ceremonial regalia that has been presented or formally brought out in a ceremony or acknowledged by members of the opposite clan is designated as an object of cultural patrimony. In this process, title is transferred to the clan, and the object is then owned by all members of the clan." (1996:33). She also notes that steps are sometimes taken to avoid such conversions (Worl 1994:190). "Decisions are made to avoid ceremonious presentations of new objects during potlatches in order to avoid their conversion from individual to clan property. Younger Tlingit are cautioned not to bring out their objects during potlatches unless they intend for the objects to pass into clan ownership." (Worl 1996:37). It is important to note that an object does not become *at.óow* simply because it was used at a potlatch, or given as a gift at a potlatch. The object must be specifically presented or formally brought out in order to become *at.óow*.

Therefore, in examining whether the Claimed Objects were communally owned, the Repatriation Committee looked for evidence that the following occurred: the object was commissioned to be made by a member of the opposite moiety; the object was "brought out" or ritually presented by the host clan; the dedication was witnessed and acknowledged by clans of the opposite moiety; and the object was purchased or "paid for" by sacrifice or expenditure on the part of the host claim and compensation of the opposites who made the object and witnessed the dedication. The Committee considered objects that went through this process as *at.óow* and, therefore, communal clan property.

The claimants make a general assertion that all of the Claimed Objects are *at.óow*, but do not present evidence that each object went through the above described process of being "brought out" or ritually presented by the host clan. Further, while Shotridge's documentation indicates that some of the objects were communally owned at one time, there is nothing in this documentation that supports the conclusion that any of the catalogued items were considered communal property in 1924, at the time of their sale. The historical evidence indicates that some housemasters were, in fact, owners. Several months prior to the sale of the objects in the Snail House collection, Shotridge wrote to Museum Director George Gordon (1/7/1924), "I have been shown a number of other collections of fine old things, the immediate disposition of which is at present difficult for the owners who in some cases, hold a claim only that of a custodian, but such men are fast becoming sole owners."

### *Alienability*

Under NAGPRA, to qualify as an Object of Cultural Patrimony an object "must have been considered inalienable by the culturally affiliated Indian tribe or Native Hawaiian organization *at the time* the object was separated from the group." 43 C.F.R. §10.2(d)(4) (emphasis added). The claimants assert that the clan objects were inalienable, but provide no historical evidence to support their statement. The oral historical evidence they provide is inconsistent - they have claimed at different times that Archie White's widow sold the objects and that his wife sold the objects when he was away. Contrary to the assertions of the claimants, the ethnographic literature indicates that, under certain circumstances, all objects were alienable. For example, de Laguna writes, "All clan and lineage property, including territories, songs, crests, or heirlooms, are alienable: by sale, as potlatch or marriage gifts, as indemnity for injuries or as part of a peace settlement, or as booty taken in war" (1990: 213).



As more fully discussed below with respect to Right of Possession, there is ample evidence of a widespread practice of housemasters and chiefs selling objects like the Claimed Objects. There is also substantial historical documentation that Tlingit society was changing due to many influences, including those of the Alaskan Native Brotherhood ("ANB"), the Russian Orthodox Church ("ROC"), and the Protestant Church, in ways that encouraged the sale of these objects. While this may not have been the case in every Tlingit community, historical documentation shows that this occurred in numerous Tlingit communities, including Hoonah.

The selling of ceremonial regalia and clan objects has a long history in the Northwest coast and among the Tlingit. For example, Captain Edward Fast purchased a collection of Tlingit objects containing headdresses, helmets, costumes etc. and sold it in 1869 to the Peabody Museum (Cole 1985:305). Dr. Israel W. Powell purchased a collection of headdresses and masks from Chief Shakes of Wrangell that was exhibited at the American Museum of Natural History in 1882 (Cole 1985:83). Lieutenant George T. Emmons acquired a Tlingit collection of almost 1,500 items including over 50 rattles and at least 100 masks and sold it in 1887 to the American Museum of Natural History (Cole 1985:88).

It is important to recognize that clan leaders sold objects for a variety of reasons (de Laguna 1972:458-461). Some objects were sold to minimize inter-clan conflict. An example of this can be seen in the sale of the Ganook Hat (Catalog No. NA6864) to Shotridge by the chief of the Sitka *Kaagwwaantaan* Clan. The Ganook Hat represented the dispute between the two moieties over who was the most ancient. The chief stated "After all the *Lhighnaedi* (Raven) men are our fathers, and we in turn theirs, we begat each other. Why then should I hold on any longer to that which represent an unnecessary prejudiceness?" (UPM archive, L. Shotridge to GBG 1/7/24).

Objects of this type were also sold for financial benefit--for money or debt payment. Many people expressed a strong desire for modernization and sought economic improvement by purchasing the latest boats, guns and fishing gear. This may be why, in 1926, the Sitka owner of the Kiks.adi Frog Hat pawned it for two hundred and fifty dollars (UPM archive, L. Shotridge correspondence to GBG, 7/16/26). In 1916, Chief Shakes appears to have given his canoe to a trader as collateral for a loan (UPM archive, L. Shotridge correspondence to GBG, 12/12/16). In addition, the potlatch system was extremely costly and some individuals (particularly younger men) appear to have wanted to end their own participation in them. When the Wolf headdress was captured around 1924, its original owners refused to pay to redeem it, so its new owners sold it to a trader who in turn sold it to Shotridge (L. Shotridge correspondence to GBG, 9/29/24, UPM Archives).

Another powerful influence in the alienation of clan objects was the Tlingit organization known as the ANB, founded in Sitka in 1912. According to Drucker (1958:41), from its start the ANB was committed to "abolition of original customs, or at least those popularly regarded by whites as "savage" and "uncivilized." The ANB, founded in Sitka in 1912, waged a vigorous campaign against the display of crest symbols (de Laguna 1972:460). Display of crest objects was seen as promoting conflict and thus hindering efforts to win Tlingit civil rights and improve social and economic conditions. This movement established an

incentive for people to sell clan crest objects. One informant, interviewed in the early 1950s, told de Laguna (1972:460) "When the ANB was founded, they gave up tribal things. They didn't have any more potlatches. [But later] they began to take an interest in them again. . . The ANB used to be strong, but now [1950s] it's weak, and the interest in tribal things is coming back...."

In addition, the Protestant and Russian Orthodox churches discouraged potlatching and the use of clan objects. For example, Shotridge states of his purchase of the *Kaguan-tan* Fortune Medicine Bundle that "It was only through Christian influence that I was allowed to take this once priceless *"Sheeshed"* out of the possession of the clan" (LSS to GBG 4/2/17). Kan documents the influence of the Russian Orthodox Church at Huna and writes, "(T)he Sitka and especially the Juneau priest kept visiting the village of Hoonah, where many of the local residents had been for quite some time expressing a strong interest in Orthodoxy. Like their Killisnoo/Angoon neighbors in the 1880s, the people of Hoonah were continuously pleading with the visiting clergy to have a church built in their own village and a priest sent to them. While many of them did occasionally visit Sitka, Juneau, and Killisnoo to get baptized or attend services, the absence of a *kanítsti hít* in their own community made them feel somewhat inferior to and envious of their kin in the neighboring communities" (Kan 1999:344). "Finally, in 1906, the Hoonah residents began contributing money to the building fund, with Sitka and Killisnoo brotherhoods pitching in as well...the Brotherhood of the Holy Cross was established in Hoonah in December of 1906" (Kan 1999:345). According to Kan (1999:346), "by 1917, Hoonah had about 100 Orthodox members out of a total population of 450. That number could have been higher had the Church been able to support a full-time resident priest there."

Archie White was a major supporter of the Russian Orthodox Church in Huna and served as president of the Holy Cross Brotherhood until his death in 1939 (Kan 1999:346, 490). The church society usually held its testimonial meetings and choir practice at Mt. Fairweather house or Raven house and the church was eventually built on land provided by the *T'akdeintaan* Clan (Kan 1999:346). According to Kan (1999:491), "one Hoonah elder remembered being taken to this house in the 1930s by her brother and seeing 'large candles burning' while the people 'practiced singing religious songs and made testimonies.'" Archie's maternal nephews, who assisted him in his clan affairs, were also parish leaders. Mike Wilson was the assistant *starosta* in the late 1920s and became *starosta* after Archie's death (Kan 1999:491).

In short, based on its evaluation of available evidence, the Repatriation Committee determined that, other than the Shaman's Drum (Catalog No. NA6828) and the Lituya Bay robe (Catalog No. NA6829), none of the items in the Snail House collection qualify as Objects of Cultural Patrimony under the statutory definition.

The Repatriation Committee also determined that the *Shakee.át* (Frontlet), "Marmot with Bat" (Catalog No. NA8498), which the claimants mistakenly identify with the Eagle's Nest House collection, does not fit the statutory definition of Objects of Cultural Patrimony. The Committee found that, beyond the claim's general assertion, there is no evidence to support the conclusion that the frontlet was communally owned. Shotridge writes that the Marmot frontlet, "like most headdresses of this style, was made more for show than for its history" and "hence it may not necessarily be classed as a possession of the house group" (1919:48). Sergei Kan states that, by the second half of the nineteenth century, frontlets had become gift items and were in the process

of becoming personal property (1989:130). The fact that the crest on the frontlet, a marmot, is not a known *T'akdeintaan* Clan crest suggests that it may have been a gift from another clan. Finally, for reasons mentioned above, the Committee also concluded that the frontlet was not considered inalienable at the time of its sale.

**Question #3:** In their written request to the University of Pennsylvania Museum of Archaeology and Anthropology for the repatriation of 31 catalogued items, did the Hoonah Indian Association and the Huna Totem Corporation show that, more likely than not, some or all of the items in question were sacred objects, as this term is defined at 25 U.S.C. 3001(3)(C) and 43 C.F.R. 10.2(d)(3)?

a. If yes, which items were shown to be sacred objects?

**UPM Response:** The Repatriation Committee determined that none of the listed 31 catalogued items meet the definition of Sacred Objects. The Committee considered as Sacred Objects those objects that were devoted to a traditional Tlingit ceremony, such as a *koo.éex*, and which have religious significance or function in the continued observance or renewal of such ceremony. The Committee made its findings on the basis of several considerations, including whether there is evidence that: the object was brought out as *at.oow*; the object was dedicated to the memory of a deceased clan leader; or the object was used in a religious ceremony prior to its alienation.

With respect to certain of the catalogued items, the claimants provided information that is clearly contradicted by the historical evidence. For example, they identify the eagle tails (Catalog No. NA6865) as being associated with the Peace ceremony, while Shotridge's documentation classifies them as dance ornaments. For certain other objects, there was no basis for the Committee to conclude that the objects were devoted to a traditional ceremony. For example, based on available evidence, the Committee concluded that the Tsimshian secret society outfit (Catalog Nos. NA6850A-F, NA6851, NA6852, NA6853, NA6854A-B, NA6856, NA6857, NA6858, NA6859, NA6860, NA6861) was the property of an individual clan member who may have been initiated into the society. Its religious role in a potlatch is neither documented nor explained in the claim.<sup>6</sup> For these reasons, the Repatriation Committee determined that none of the listed 31 catalogued items meet the criteria required by NAGPRA.

In short, after careful and deliberate evaluation of each of the listed catalogued items, the Repatriation Committee found that none meet the statutory definition of Sacred Object because the claimants did not provide evidence to show that each object was devoted to a traditional religious ceremony or ritual and has religious significance or function in the continued observance or renewal of a present day ceremony or ritual.

<sup>6</sup> On this point, in their letter to Mr. Tarler, the claimants provided new information about the use of Tsimshian society objects. UPM has not yet had a chance to evaluate this new information.

## **Part II: Issues of Fact Regarding a Right of Possession to NAGPRA Cultural Items**

For the sake of this letter, UPM has limited its response to an analysis of the Right of Possession under applicable Tlingit law and practices at the time of alienation. However, by doing so, UPM does not waive any argument as to whether concepts of common property law should be applied to a determination of the issue of Right of Possession, should this dispute result in a claim being filed in federal district court.

**Question #1:** With respect to the "Shaman's Drum, 'Old-Man-of-War' Box Drum" identified by the University of Pennsylvania Museum of Archaeology and Anthropology as catalog number 6828 and an object of cultural patrimony, a "Tito-Aw (Lituya Bay) Robe" identified by the Museum as catalog number 6829 and both a sacred object and an object of cultural patrimony, and any item identified as an object of cultural patrimony in answer to Question #2 of Part I (above), has the University of Pennsylvania proved that, more likely than not, the Indian tribe culturally affiliated with these objects of cultural patrimony explicitly authorized the conveyor of these cultural items, Archie White (Dimitri *Tukk'axaaw*), to separate the objects of cultural patrimony from the tribe? (The term *cultural patrimony* means an object having ongoing historical, traditional or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual regardless of whether or not the individual is a member of the Indian tribe or Native Hawaiian organization, and such object shall have been considered inalienable by such Native American group at the time the object was separated from such group).

**UPM Response:** The Repatriation Committee determined that the claimants did not present evidence to support a finding that the University does not have a Right of Possession to the Claimed Objects, including the "Shaman's Drum, 'Old-Man-of-War' Box Drum" (Catalog No. NA6828), the "Tito-Aw (Lituya Bay) Robe" (Catalog No. NA6829), and any item identified as an Object of Cultural Patrimony in answer to Question #2 of Part I (above). Furthermore, the Committee determined that, even if the information provided could support such an inference, the evidence adduced by the Committee regarding the sale and acquisition of the objects overcomes the possible inference drawn from evidence presented by the claimants.

In assessing Right of Possession, the Repatriation Committee examined whether available evidence supported alternative arguments raised by the claimants. On one hand claimants asserted that Archie White's wife sold the collection to Shotridge and lacked the authority to do so. Alternatively, the claimants asserted that, even if Archie White sold the collection, he did not have the authority to do so.

Based on a careful review of available evidence, the Repatriation Committee determined that Archie White (Dimitri *Tukk'axaaw*) sold the Snail House Collection to Louis Shotridge. It also concluded that Archie White had the authority to sell the collection without the unanimous consent of the Clan. Further, the Committee concluded that the collection was sold with the knowledge and approval of clan members. The Committee's analysis regarding the identity of the seller, the seller's authority and the historical context in which

the sale was made -- which is relevant to the issue of Right of Possession -- is outlined below.

*Seller:*

The Repatriation Committee's determination that Archie White (Dimitri *Tukk'axaaw*) sold the Snail House collection to Louis Shotridge on November 22, 1924 for \$500.00 was based upon a careful assessment of multiple lines of evidence. First, Archie White was the Snail House master at the time the collection was acquired (this is not disputed by the claimants), and was housemaster until his death in 1939 at the age of 79. Second, UPM has evidence of the sale of the Snail House collection to Shotridge, including an insured check sent to "seller" on November 22, 1924. Third, detailed notes gathered by Shotridge indicate that the objects were sold by someone knowledgeable about the history of each object. Archie White, as Housemaster, would have had this knowledge. Fourth, Shotridge collected a story about how the *T'akdeintaan* acquired the Whale crest. At the end of this story is written the name "*Tuq'a xawu*," Shotridge's informant from whom he recorded the story. Sergei Kan (1999:346) has identified Dimitri *Tukk'axaaw* as the name of Archie White, the leader of Snail House. Fifth, *Tuq'a xawu* II is listed as the owner of 2 of the objects (Commander of Tide mask, Catalog No. NA6832; Raven the pilgrim rattle, Catalog No. NA6844) and as the heir of 3 of the objects (Lituya Bay robe, Catalog No. NA6829; Jellyfish hat, Catalog No. NA6838; Raven headcover, Catalog No. NA6836) and Shotridge recorded stories about these on the catalog cards. Sixth, Shotridge's catalog card indicates that he spoke with "the last master of the house" (Archie White) about the history of the Loon Spirit hat.

According to Anna Katzeek, Archie Demetris White was the chief of the Raven [*T'akdeintaan*] tribe of Hoonah. Certain of his Tlingit names were: *You-Kiz-Koo-Ka* meaning The Tides Man (in charge of as this particular Raven Tribe known as the original Creator Raven), *Kawk-da-eesh* (careful planner-father), and *Yaw-xi* (chief of the moving war canoes). He was very active in the Russian church and was ordained by father Koshervoroff [Kashevaroff] in 1936 to be a lay worker and priest. According to Ms. Katzeek, Archie White spoke the Russian language fluently as well as his native language (label for photo ASL-P39-0446 in Alaska State Library Digital Archives).

The claimants now assert that "Archie White's wife may have sold the collection without his knowledge." (Letter to Tarler, July 20, 2010, p. 7). While it is possible that Archie White may not have been present when Shotridge came to pick up the collection on November 22, 1924, this does not support the argument that his wife was the seller or that the sale was conducted in secret. The evidence shows that there were lengthy negotiations, lasting over a year between Shotridge, and the seller (letter from LS to GBG, 1/12/1925, UPM Archives), so the presence of Archie White's wife on the day that Shotridge picked up the collection, is not determinative of the issue. In fact, Shotridge's letters to Gordon at the UPM confirm his practice of dealing with the "owner" wherever possible. Significantly, he makes a distinction between "owner" and "custodian." In his letter dated 1/7/1924, Shotridge states: "I have been shown a number of other collections of fine old things, the immediate disposition of which is at present difficult for the owners who in some cases, hold a claim only that of a custodian, but such men are fast becoming sole owners" (Shotridge 1/7/1924).

The Marmot Frontlet (Catalog No. NA8498) was purchased by Shotridge in 1918 from Mrs. Augustus Bean, a member of the Raven's Nest House of the *T'akdeintaan* Clan. This headdress is not part of the Snail House collection and it is not associated with the Eagle's Nest House (as the claimants state), which is a *Kaagwaantaan* Clan house in Sitka. As discussed above, the frontlet may have been a gift given to Mrs. Bean at another clan's potlatch. Kan (1989:130) states that by the second half of the nineteenth century, frontlets (*shakee.át*) had become potlatch gift items and a frontlet could end up among people who had nothing to do with the crest adorning its front. He goes on to say that frontlets were in the process of becoming the personal property of the wealthy and high ranking aristocrats. Thus, the preponderance of evidence supports the conclusion that the frontlet was the personal possession of Mrs. Bean, and not clan property. Therefore, UPM gained the Right of Possession to this frontlet when Shotridge purchased it in 1918.

*Authority:*

The Repatriation Committee determined that Archie White had the authority to sell the Snail House collection in his capacity as Housemaster at the time the objects were sold. The claimants state that no one individual could alienate clan property. However, ethnographic research conducted over the past 100 years and published in the ethnographic literature indicates the opposite, namely that "All clan and lineage property, including territories, songs, crests, or heirlooms, are alienable: by sale, as potlatch or marriage gifts, as indemnity for injuries or as part of a peace settlement, or as booty taken in war" (De Laguna/Emmons 1990:213). Moreover, the Tlingit were a ranked society (not an egalitarian one as the claimants assert today) with an aristocracy, and the Housemaster, as the leader of this class, enjoyed considerable authority.

In the absence of clearly defined and documented legal standards, UPM looked to the practice of the Tlingit at the time. During the period in which the claimed objects were sold, there was a clear and established pattern of Housemasters selling clan possessions. The reasons were multiple and included such things as financial need, pressures from the ANB and the ROC, and the feeling that the younger generation no longer respected traditional ways. Kan (1999:466) writes that the ANB alone should not be blamed for these violations of the old value system. The gradual weakening of the matrilineal group and the growing disagreement between the elders and a certain segment of the younger generation about the "old customs" definitely played a bigger role here. Some traditionalists sincerely believed their younger relatives were not going to continue carrying out their clan obligations and perform memorials, and thus sold the regalia, preferring to receive some badly needed cash for the objects, rather than having the regalia deteriorate without use or fall into the wrong hands. It is clear that some Headmasters sold objects for the benefit of their communities (e.g. to put an end rivalrous potlatching and warfare) (an example is the sale of the Ganook hat, by Augustus Bean, a very prominent Chief of the *Kagwaantaan* Clan of Sitka, in 1924 (Letter LS to GBG, 1/7/24, UPM Archives).

Archie White's motivation for selling the Snail House objects may never be known, but his reasons are likely associated with his active role within the ROC and its growing influence at Hoonah. In 1917, 100 out of 450 Hoonah residents were members of the Orthodox church

(Kan 1999:346). The claimants state that there was no contradiction between traditional practices and the ROC. This is not entirely true as there is evidence that conversion to ROC did sometimes result in the alienation of clan objects. For example, Nikifor Kulkita presented a staff to Archpriest Anatolii when he became a member of the Orthodox Indian Temperance and Mutual Aid Society.

It is significant that there was apparently no adverse reaction to Archie White's sale of the objects during his lifetime. Archie White did not lose his standing in the community. In fact, he retained a position of status as chief, and "remained the president of the Holy Cross Brotherhood until his death in 1939" (Kan 1999:490). Further, there is no oral history describing any unhappiness that dates to the time of the sale or the period immediately following it. If, in fact, Archie White was opposed to the sale of clan objects later in life, as the claimants assert (Letter to Tarler, July 20, 2010, p. 7), this does not mean that he was not the seller of the objects in 1924, or that he did not have the appropriate authority to sell them.

Shotridge's collecting practices also support the conclusion that the objects were obtained with appropriate authority. With the possible exception of the Whale House case, there is no evidence that Shotridge's collecting practices were other than honorable and open. He always tried to purchase objects from the leading individuals within a clan. UPM's analysis of 26 different contexts of sale mentioned in the Shotridge/Gordon correspondence indicates that Shotridge dealt with individuals who were "chiefs" (4), "housemasters" (1), "leaders" (3), and "owners" (10). In only four cases does it appear that it was necessary for the sale to be approved by members of a clan (a totem pole owned by the Frog family of Kluckwan, 1/20/15; the salmon house post, Whale House at Kluckwan, 11/20/15; feast dishes and other items, Raven House at Angoon, 7/1926; house posts, House of Shotridge, Kluckwan, 11/5/30).

Shotridge was generally well regarded within the Tlingit community and was elected as the president of the ANB in 1929 (Letter LS to McHugh, 1/8/29 UPM Archives). Some of the controversy that surrounds his name today may have developed in the 1950s when there was a revival of traditionalism. It is noteworthy that, on July 19, 1926, Shotridge was offered an additional object (the "*Kiks.adi*" Frog hat) by someone from Hoonah.<sup>7</sup> This demonstrates that there was no ill-will against Shotridge since people were still willing to sell objects to him after the Snail House sale. UPM's documentation also shows that Shotridge spoke with multiple people from Snail House about the collection (specifically regarding the Loon Spirit Hat, Whale blanket, and the Lituya Bay robe), and that these conversations likely took place after the collection was purchased and shipped.

Finally, the claimants state that "there is no evidence that Archie White (or the other "sellers") sold the items *with the consent of the clan*" (Letter to UPM, December 15, 2006, p. 3, added emphasis). To the contrary, there is oral history that Archie White made the sale with the knowledge and approval of the clan. With his March 17, 2010 letter to UPM, Patrick Mills, a member of Snail House who disputes the authority of the current clan leadership, enclosed an unsolicited DVD featuring the performance of the Mt. Fairweather Dancers at Juneau. His

<sup>7</sup> The Frog hat is likely a T'*akdeintaan* object since there is no *Kiks.adi* clan at Huna and there is currently a T'*akdeintaan* Frog hat.

mother Katherine Mills, head of the dance group, announced the event. As part of her public commentary, she made the following statement: "when they became Christians the missionaries would force the people to sell their old custom stuff and so *they sold this bronze hat, well they sold it because the clan, the whole clan said it could be sold, so they did*" (added emphasis). The bronze hat to which she refers is the Loon Sprit hat in the Snail House collection. Because the hat was not sold separately, but rather as part of the collection, it is evident that the clan knew of and approved the entire sale. (A transcription of the DVD provided by Mr. Mills is attached hereto as Exhibit C and a copy of the DVD itself is included with the materials accompanying this letter.)

#### *Historical Context:*

As discussed above, during the period in which the Claimed Objects were alienated, there was a clear practice of housemasters and chiefs selling these types of objects to Shotridge and other collectors. There is no evidence that the sale of Tlingit property always required clan approval (even though the claimants assert this is required today). The historical record demonstrates that at the time of Shotridge's collecting activities, there was a clear and established practice of "headmen," "chiefs" and "housemasters" selling ceremonial and clan objects to museums and collectors. Shotridge's purchase of the Snail House collection was not especially remarkable, nor is there evidence that it caused controversy in the community at the time (since he was later offered the Frog hat by someone from Hoonah).

Kan (1999:466) states that, during this period, the majority of early ANB leaders refused to participate in traditional ceremonies, and particularly the *koo.eex*'. Those who did own any *at.óow*, sold or donated them to museums. In Hoonah, according to several elderly informants, the early ANB did encourage the people to get rid of their *at.óow* and to stop performing the "old custom ceremonies." Further, while it is true that conversion did not necessarily mean a rejection of traditional practices, the issue here is the role of the objects themselves. Kan (1999) suggests that some traditional practices were merged with Western practices and that some Western practices were Tlingitized. In both cases, many kinds of traditional clan objects ceased to have active public roles. For this reason, many ANB leaders were prepared to part with the objects.

The claimants assert that "this transaction entailed a very large and complex collection of objects that had foundational historical, cultural and spiritual significance to the clan, and it makes no cultural sense that a clan would voluntarily give up their cultural matrimony on this scale" (Letter to Tarler, July 20, 2010, p. 6). However, Drucker, De Laguna, and Kan all provide pertinent contextual information for the period in which the transaction took place (which NAGPRA requires us to evaluate).

For example, Drucker (1958:59) writes "at the outset, largely because of its derivation from mission-influences sources, the ANB took a formal stand against everything that was regarded as significant and typical of the aboriginal culture. . . Of the various features of native life that were particularly disapproved, the potlatch heads the list." He continues to say that "in the course of the last few years [i.e. 1950s] potlatching has undergone something of a revival in southeast Alaska. A number of men have rebuilt the house of their clans and have done so in the traditional



way (Drucker 1958:62). De Laguna (1972:460) quotes a Yakutat informant that "when the ANB was founded (1912), they gave up tribal things, they didn't have any more potlatches. [But later] they began to take an interest in them again . . . The ANB used to be strong, but now [1950s] it's weak, and the interest in tribal things is coming back . . ."

Kan (1999: 606, fn 12) provides historical information on how people from Hoonah regarded such sales after the fact: "As one older woman from Hoonah told me, 'for a while everything was put away in mothballs . . . so it was like in the Bible, the four hundred silent years. [For a while] there wasn't a single Tlingit song heard, you did not hear about [traditional] Tlingit parties. Everything had to be done through [the Christian] religion and the [Alaskan Native Brotherhood]. All this old stuff was packed away. Once in a while, when the weather was good, they would take out their regalia to dry. The old people would be looking at them and cry. *Those few who did get rid of their regalia had a particularly difficult time - it was as if they just cut off their past; they would often talk about it and cry* (Kan 1979-95, emphasis added)."

In their letter of May 2, 2001, the claimants refer to a 1958 potlatch at which Joe White, Archie White's son, made a public apology to the *T'akdeintaan* for the sale of the Snail House objects. In their recent letter to the NPS, they explain that "oral history in two clans, *T'akdeintaan* and *Shangukeidii* provide additional information that at a later date Archie's son Joe White acknowledged the wrongdoing in Tlingit fashion by giving away very valuable possessions during a ceremony" in 1958 (letter to Tarler, July 20, 2010, p. 7). However, Joe White's formal apology does not negate the argument that his father sold the objects in 1924 or that he had the authority to do so at the time.

Shotridge's collecting practices, contrary to the claimants' statements, were ethical. Shotridge was one of the earliest Native Americans to be employed in an American Museum. He held the position of Assistant Curator at UPM from 1915-1932. He was a respected and professionally trained anthropologist, and the first indigenous transcriber and translator of Tlingit oral literature. His documentation of the histories, associations, and meanings of Tlingit objects is commonly regarded the finest available among all Museum collections of Tlingit materials, and is a rich source of history about the Tlingit people.

**Question #2:** If the answer to Question #1 is no, has the University of Pennsylvania Museum of Archaeology and Anthropology proved that, more likely than not, the Indian tribe culturally affiliated with these objects of cultural patrimony intended to give the conveyor of these cultural items, Archie White (Dimitri *Tukk'axaaw*), the authority to separate the objects of cultural patrimony from the tribe?

**UPM Response:** As detailed above, UPM believes that the answer to Question #1 is yes, and therefore there is no need to address the question of whether the Indian tribe culturally affiliated with these Objects of Cultural Patrimony intended to give Archie White the authority to separate the Objects of Cultural Patrimony from the tribe. However, for the reasons stated above, UPM believes that the Indian tribe culturally affiliated with these objects not only authorized Archie White (Dimitri *Tukk'axaaw*), to separate the Objects of Cultural Patrimony from the tribe, but also intended to give him the authority to separate the Objects of Cultural Patrimony from the tribe.

**Question #3:** If the answer to Question #1 or Question #2 is yes, has the University of Pennsylvania Museum of Archaeology and Anthropology proved that, more likely than not, the Indian tribe culturally affiliated with these objects of cultural patrimony voluntarily gave the conveyor of these cultural items, Archie White (Dimitri *Tukk'axaaw*), the authority to separate the objects of cultural patrimony from the tribe?

**UPM Response:** Yes. As described above, UPM believes that it has proved that, more likely than not, the Indian tribe culturally affiliated with these Objects of Cultural Patrimony voluntarily gave the conveyor of these cultural items, Archie White, (Dimitri *Tukk'axaaw*), the authority to separate the Objects of Cultural Patrimony from the tribe.

**Question #4:** With respect to any item not identified as an object of cultural patrimony in answer to Question #2 of Part I (above), but identified as a sacred object in answer to Question #3 of Part I (above) or by the University of Pennsylvania Museum of Archaeology and Anthropology (catalog numbers 6828, 6829, 6831, 6832, 6835, 6836, 6845, and 6862), has the University of Pennsylvania Museum of Archaeology and Anthropology proved that, more likely than not, the owner voluntarily consented to transfer all interest in these cultural items?

**UPM Response:** Yes. As detailed above in response to Part II, Question #1, UPM believes that it has proved that, more likely than not, the owners of the items in the Snail House collection and the Marmot frontlet (Catalog No. NA8498) voluntarily consented to transfer all interest in these Cultural Items.

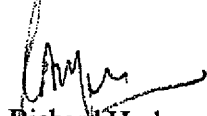
### Conclusion

Despite the dispute that remains between the claimants and UPM, UPM recognizes that in Tlingit culture strong artistic and oral traditions link past and present, and objects embody history, mythology, belief and memory. UPM remains committed to the education and preservation of Tlingit living clan history for future generations. This is why UPM is prepared to go beyond the requirements of NAGPRA to repatriate eight of the objects claimed by the *T'akdeintaan* Clan and to establish a joint curatorial arrangement with the clan for the curation of the remaining 37 objects, notwithstanding the issue of Right of Possession. By offering to return these eight objects and proposing a joint curatorial arrangement for the remaining 37 objects, UPM acknowledges a historical relationship with Alaska's Tlingit people that begins with the native Tlingit collector, Louis Shotridge.

UPM strongly encourages the NAGPRA Review Committee, in facilitating a resolution of this dispute, to remain true to the intent and meaning of the Act, and to maintain the critical balance embraced in the statute between the concerns of the museums and universities that have worked very hard over time to protect, restore, and share Native American cultural items, and the concerns of the Indian tribes and Native Americans themselves.

We look forward to presenting UPM's position on this dispute at the Review Committee's hearing on Thursday, November 18, 2010, in Washington, D.C.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Richard Hodges', written over the printed name.

Richard Hodges  
The Williams Director

Enclosures

### Bibliography

- Barsness, Kristin
- 1989 *Masterless Things: Tlingit Crest Objects in the Contexts of Property*. Unpublished M.A. thesis, Bryn Mawr College, Bryn Mawr.
  - 1997 *A Tlingit Community, A Century of Change*. unpublished Ph.D. dissertation, Bryn Mawr College, Bryn Mawr.
- Cole, Douglas
- 1985 *Captured Heritage: The Scramble for Northwest Coast Artifacts*. University of Washington Press, Seattle.
- Dauenhauer, Nora Marks and Richard Dauenhauer (editors)
- 1987 *Haa Shuka, Our Ancestors: Tlingit Oral Narratives*. University of Washington Press, Seattle.
  - 1990 *Haa Tuwunaagu Yis, for Healing Our Spirit: Tlingit Oratory*. University of Washington Press, Seattle.
  - 1994 *Haa Kusteeyi, Our Culture: Tlingit Life Stories*. University of Washington Press, Seattle.
- de Laguna, Fredrica
- 1972 *Under Mount Saint Elias: The History and Culture of the Yakutat Tlingit*. Smithsonian Contributions to Anthropology Vol. 7 (3 Parts), Washington D. C.
  - 1990 *Tlingit*. Handbook of North American Indians, Vol. 7 Northwest Coast. Washington D.C.: Smithsonian Institution Press.
- Drucker, Philip
- 1955 *Indians of the Northwest Coast*, Anthropological Handbook Number 10. American Museum of Natural History, New York.
- Emmons, George T.
- 1991 *The Tlingit Indians*, Anthropological papers of the American Museum of Natural History, v. 70. University of Washington Press, Seattle, Washington.
- Kan, Sergei
- 1989 *Symbolic Immortality: the Tlingit Potlatch of the Nineteenth Century*. Smithsonian Institution Press, Washington D. C.
  - 1999 *Memory Eternal: Tlingit Culture and Russian Orthodox Christianity through Two Centuries*. University of Washington Press, Seattle, Washington
- Milburn, Maureen
- 1997 *The Politics of Possession: Louis Shotridge and the Tlingit Collections of the University of Pennsylvania Museum*. unpublished Ph.D. dissertation, Department of Fine Arts, University of British Columbia, Vancouver.
- Oberg, Kalervo
- 1973 *The Social Economy of the Tlingit Indians*. University of Washington Press,

Seattle.

Shotridge, Louis

- 1919 War Helmets & Clan Hats of the Tlingit Indians. *The Museum Journal* 10:43-48.  
1928 Emblems of the Tlingit Culture. *The Museum Journal* 19:350-377.

Personal correspondence, UPM Archives

Specimen Cards, UPM Archives

Specimen Cards, Alaska State Library: Historical Collections

"Brief Description of important [sic] specimens in the 'Snail House' Collection" 1925:  
UPM Archives

Swanton, John R

- 1908 Social Conditions, Beliefs, and Linguistic Relationships of the Tlingit Indians.  
Bureau of American Ethnology, 26<sup>th</sup> Annual Report for 1904-5, pp. 391-485.

Worl, Rosita

- 1995 "Principles of Tlingit Property Law and Case Studies of Cultural Objects."  
Unpublished manuscript prepared for National Park Service, Alaska Region,  
Juneau, Alaska.  
1998 *Tlingit at.oow: Tangible and intangible property (Alaska)*. Unpublished Ph.D.  
Thesis, Department of Anthropology, Harvard University, Cambridge,  
Massachusetts.  
2000 The *Dakl'aweidí Kéet Naa S'áaxw*: A Killerwhale Clan Hat. *Celebration 2000*,  
edited by S.W. Fair and R. Worl, pp. 159-172. Sealaska Heritage Foundation,  
Juneau, Alaska.

# Exhibit A



Office of the University Secretary

September 21, 2010

To Whom It May Concern:

This is to certify that on June 19, 2009, at the Stated Meeting of the Trustees of the University of Pennsylvania, the following resolution was unanimously passed:

**Resolution to Repatriate Clan Objects and Establish a Partnership between the Tlingit T'akdeintaan Clan of Huna, Alaska, and the University of Pennsylvania Museum of Archaeology and Anthropology**

**Intention:**

The Trustees of the University of Pennsylvania have received a claim from the Huna Indian Association and Huna Heritage Foundation representing the Tlingit T'akdeintaan Clan of Huna, Alaska, under the Native American Graves Protection and Repatriation Act (PL 101-601) (NAGPRA), for the repatriation of 45 T'akdeintaan clan objects known as the "Snail house collection" in the Penn Museum as objects of "cultural patrimony," or "sacred objects," or both.

The Penn Museum NAGPRA committee has carefully and thoroughly analyzed this claim on an object-by-object basis to determine whether the objects meet the statutory definitions. As part of that review, the committee sought the advice of expert anthropologists, welcomed members of the T'akdeintaan clan to visit the Museum to discuss the claim, traveled to Alaska to observe Tlingit ceremonies and living traditions, and sought the advice of the University General Counsel.

As a result of the Committee's review, the Museum recommends, with the administration's support, the response provided below. In short, the Museum recommends repatriation of eight objects to the T'akdeintaan Clan. In addition, with respect to the remaining objects, the Museum recommends creating a partnership between the University of Pennsylvania and the T'akdeintaan Clan, enabling the Clan to use these objects in ceremonies and display them in their museum or cultural center, and promoting future collaboration in the core missions of the museum, including education, cultural preservation, and community building in the 21st century. President Gutmann and Provost-Designate Price support this recommendation.

**RESOLVED** as follows:

1. The University has determined that eight objects claimed for repatriation by the Clan meet the NAGPRA definitions of cultural patrimony and/or sacred objects. Although the University believes that it holds right of possession to these eight objects, it will repatriate these objects to

the Clan as soon as arrangements can be made to do so.  
The objects are:

Shaman's box drum NA6828  
Lituya Bay robe NA6829  
Owl of Heavens shaman's mask NA6831  
Commander of the Tides mask NA6832  
Ravine frontlet headdress NA6835  
Raven head cover NA6836  
Loon spirit shaman's rattle NA6845  
Pipe NA6862

2. The University has determined that the remaining 37 objects claimed for repatriation by the Clan do not meet the specific NAGPRA definitions for cultural patrimony or sacred objects. However, in recognition of their historical significance to the Clan, and in an effort to provide for continued collaboration with the T'akdeintaan Clan, the University will consider entering into an arrangement with the T'akdeintaan Clan, including the possibility of a joint curatorial and custodial structure, that allows for these objects to be re-situated in Alaska at a mutually agreeable and secure cultural facility (such as the Alaska State Museum, a National Park Service facility at Glacier Bay or elsewhere, or the Sealaska Heritage Institute), identified appropriately as the T'akdeintaan and University of Pennsylvania Snail House collection, and made available to be used by the Clan to offer strength and healing to the Tlingit people, while also being made available to the Museum for specific exhibits, as mutually agreed. This proposal parallels the 1995 agreement between the Huna Indian Association and the National Park Service committing both organizations to work cooperatively on all matters associated with the Huna Tlingit's ancestral homeland in Glacier Bay National Park.

3. The Penn Museum further will consider the creation of a leading community-museum partnership with the T'akdeintaan Clan that builds on the legacy of NAGPRA and Louis Shotridge's vision to preserve Tlingit clan history and art. With this new partnership, the Museum would provide the framework for a collaboration that will continue long into the future and will serve to further mutual interests and goals. The Museum may thus be presented with unique opportunities to exhibit or acquire additional objects, allowing the Museum to educate its students and the public about T'akdeintaan Clan history and contemporary issues in ways that would otherwise be impossible. In implementing this proposal, the University would seek guidance from Clan elders in identifying appropriate artists and objects to best represent their history and identity.

4. In short, in responding to the T'akdeintaan claim, the University commits to serve its missions of education, scholarship, and service in new, creative, and strategic ways that support living Native American communities. The specific projects will be the subject of further discussion and agreement with the T'akdeintaan Clan. A description of the kinds of projects to be explored appears in Exhibit A.



## EXHIBIT A

### PROPOSED PROJECTS FOR CONSIDERATION

When possible, the Museum wishes to offer its support and service to projects initiated by the T'akdeintaan Clan, and to invite Clan members to participate in priority projects at Penn. Penn Museum proposes six specific initiatives for discussion and consideration:

- A. Penn Museum proposes to help raise funds to support the development of the new Huna Cultural Heritage Center. Specifically, we propose to collaborate on a grant proposal to the Institute of Museum and Library Services (IMLS) in Washington, D.C. IMLS is currently funding our initiative to create the Louis Shotridge Digital Archive here at Penn, and has expressed interest in supporting additional projects that engage with Native American communities. A collaborative proposal to support the future Huna museum offers an extraordinary opportunity for Huna and the Penn Museum to come together as leaders in the American Museum, Native American, and educational arenas, to establish a collaborative model founded on the legacy of NAGPRA and to foster the educational and cultural needs of future generations of Tlingit and Penn students.
- B. As Huna develops its new Cultural Heritage Center and Museum, the Penn Museum would like to consider offering professional training in the form of internships and workshops on the care, conservation, and exhibition of museum collections and archives. The workshops could be designed and team-taught by Museum staff and Tlingit elders to maximize their relevance for the Tlingit community, while at the same time providing learning opportunities for the Penn Museum. Through hands on experience, Tlingit students would learn the practical aspects of the care and conservation of museum collections and archives, digital photography, and exhibition techniques such as label preparation, mounts, and lighting.
- C. The Museum is eager to work with the Clan to commission and acquire outstanding contemporary Tlingit art to revitalize its Tlingit collection. When possible, we hope to bring Tlingit artists to Philadelphia to share their work with the Penn community and to study our collections from around the world.
- D. The exhibition of Tlingit art and culture for our east coast and world audiences is a continued priority at the Penn Museum, where we have strived for over a century to educate and challenge stereotypes about indigenous Americans. We would like to invite Tlingit people to serve as co-curators, advisors, and curatorial interns in developing new exhibitions in Philadelphia, and traveling exhibitions that could tour Alaska and around the world. These projects could offer opportunities for Tlingit elders and students to develop skills and ideas surrounding the presentation of their own cultural heritage, create forums for issues of contemporary concern in the Tlingit and Native American community, and help train and empower the next generation of Tlingit leaders. These projects could offer educational opportunities for curriculum development in the Huna elementary and high school, for Tlingit language revitalization, and incorporate new technologies.

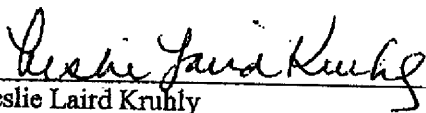
E. When possible, Penn Museum would like to share its anthropological resources in support of priority projects determined by the Tlingit people. Projects may include helping to design an archaeological investigation in Huna, workshops on documenting living clan histories and clan art, support in developing a study of Tlingit tourism, Tlingit language, or a focus on Tlingit health concerns. Biological anthropologist Tad Schurr of Penn Museum is already working with Huna, Yakutat, and Hydaburg on a collaborative study of Tlingit genetic ancestry and heritage. Penn Museum would like to support more projects that serve the Tlingit community and our joint interests in understanding and preserving the Tlingit legacy.

F. Penn wishes to actively conduct outreach to Southeast Alaska and recruitment of Tlingit undergraduate and graduate students and encourage them to come to the University of Pennsylvania. The University has identified minority recruitment as a key part of increasing access to education in the Penn Compact outlined by President Amy Gutmann and has a number of financial aid packages.

With these specific proposals, the Penn Museum hopes that the T'akdeintaan Clan will welcome objects from the Snail House collection back to Huna, as discussed in the Trustee Resolution, and consider embarking upon a new kind of leading community-museum partnership that combines our strengths and pledges our joint service and commitment to the education and preservation of Tlingit living clan history for future generations. Penn Museum sees the return and re-situating of the objects and a continued partnership with the Clan as a remarkable opportunity to articulate and strengthen its role as a ground breaking American museum in support of the ongoing vitality, education, and future of living Native American communities.

As of this date, the above resolution is still in effect, and has not been amended, revoked or rescinded. The signatory, Leslie Laird Kruhly, is still serving as the Secretary of the University of Pennsylvania.

Witness my hand and the seal of the University this twenty-first day of September in the year two thousand ten and in the year of the University two hundred seventy-one.

  
\_\_\_\_\_  
Leslie Laird Kruhly

# Exhibit B

Hoonah Indian Association  
PO Box 602  
Hoonah, AK 99829

AND

Huna Totem Corporation  
9301 Glacier Highway  
Juneau, AK 99801

*Received*  
OCT 20 2009  
*Director's Office*

12 October 2009

Richard Hodges  
The Williams Director  
University of Pennsylvania Museum  
3260 South St.  
Philadelphia, PA 19104-6324

Dear Dr. Hodges:

We are writing in response to your offer of the return of eight objects and the exploration of a joint curatorial agreement for the remaining 37 objects in the Mt. Fairweather/Snail House Collection of the T'akdeintaan Clan of Hoonah. After several discussions among the clan leaders and its experts in which the issues were evaluated and assessed, we have come to the realization that we cannot agree to the findings and conclusions stated in the proposed Notice of Intent to Repatriate and in your letter of July 20, 2009. Consequently, we are writing to inform you that we intend to bring a dispute proceeding before the NAGPRA Review Committee in order to obtain an impartial consideration of this complex case.

In appreciation for the efforts that you and the various committees expended on considering the relevant facts of the case, and in the spirit of continued dialog, we will briefly summarize some of our concerns with your proposals.

1. Right of Possession. We note that in the draft notice provided by the Museum, the Museum's right of possession to all items in the collection is asserted. As we have presented in previous communications, we dispute this claim. Specifically, we do not agree with the assertion that the items were acquired by the Museum's collector with the consent of an individual who had authority to alienate the items at the time. Although many items of importance to Tlingit clans and tribes were acquired by collectors during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, this does not mean that Tlingit clans and tribes had universally and uniformly rejected their traditions of clan ownership and preservation of clan at.6owu for present and future generations. In addition, museum documentation provides only weak circumstantial evidence that the items were acquired from Archie White, and in fact lacks any specific documents attesting to this claim. Nor was the record

of the collector's unethical and illegal practices adequately taken into consideration in the description of how the items were acquired. For these reasons, and others, we cannot accept the statements of "fact" as presented in the draft notice.

2. Issue of Central Significance. In your description of the Museum's decision-making related to the definition of cultural patrimony (items having "historical, traditional, or cultural importance central to the Native American group"), on page 3 of letter dated July 20, 2009, you make reference to a finding that, in the view of the Museum, only two of the items "reach the highest standard of community centrality." We do not find that NAGPRA or its regulations require an assessment of "degrees" of community centrality and that only those items that meet your museum's criteria for the highest centrality shall be repatriated as an object of cultural patrimony. Under the law, centrality is described in terms of a distinction between property owned by the group (which by definition is inalienable) and individually-owned property which can be legitimately sold or otherwise disposed of by a member of the group at the time the item was acquired. Thus, we do not accept your finding that only two of the items in the Mt. Fairweather/Snail House Collection are of central and ongoing historical, traditional, or cultural importance to the clan and tribe.

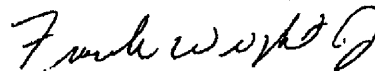
In addition, there is a curious contradiction in your findings, in that only two items are found to have been cultural patrimony (and thus of central importance) while the remaining items are not. This leads us to conclude that perhaps your position regarding the right of possession may be clouding your judgment on this issue of centrality. Indeed, it is due to the "particular historical significance" of the remaining 37 items having been preserved in a single collection that you have proposed a joint curatorial agreement and the physical transfer of the items to Alaska. As has been described in detail by us in previous submissions, the items were preserved so they could be used by the clan in funerary ceremonies and memorials, and are thus central to the group's ongoing identity as a Tlingit clan. In your letter, you indicated that your representatives attended five memorial potlatches in which they observed the use of similar items by Tlingit clans and reported back to the museum about the significance of the objects. Nevertheless, in evaluating the remaining items on an object-by-object basis, it appears the Committee applied a standard of proof that is higher than that described in NAGPRA and its regulations.

3. Sacred Association with Tlingit Ancestors. Your letter states, "Your repatriation claim asserted that all Tlingit objects are considered sacred because of their associations with Tlingit ancestors. The Committee concluded that this fact alone is insufficient to meet the requirements of the law." We take issue with this finding, which indicates there is a fundamental misunderstanding about the ceremonial use and function of such items in Tlingit religious ceremonies. Objects used in Tlingit memorials are sacred in a NAGPRA sense because they evoke ancestral spirits which are believed to take part in the ceremony and receive the spiritual essence of the food and material items (such as blankets) that are distributed. This is a crucial feature of Tlingit memorials, without which the ceremony would be ineffective. We do not feel the Committee's statement about the association of *at.oowu* with clan ancestors recognizes the spiritual role of items brought out and used in Tlingit memorials, and specifically their association with the spirits of Tlingit ancestors who once owned and used the items, which is essential for the practice of Tlingit religion.

Sincerely,



Russell Dick, Chairman  
Huna Totem Corporation



Frank Wright, Jr. President  
Hoonah Indian Association

cc: Huna Heritage Foundation  
Marlene Johnson, HHF Chairman  
Kenneth Grant T'akdeIntaan Clan Spokesperson  
Adam Greenwald, House Leader

# Exhibit C

Transcription of a DVD mailed to UPM by Patrick Mills, March 2010

Mt. Fairweather Dances of Hoonah, AK performing at Juneau, AK

Katherine B. Mills speaking

Video by William "Buster" Davis

---

Title Menu: 1 MAR/16/10 2:01PM L2 XP

00:00:01

Katherine Mills: We are going to entertain just for a little while with love songs, nothing but love songs. And then we will do the little, ah, peace, peace dance.

<restart>

04/09/94 SAT 04:34 PM

00:00:24

Katherine Mills: We are going to entertain just for a little while with love songs, nothing but love songs. And then we will do the little, ah, peace, peace dance. We'll do the last portion of a peace dance. We'll do it after we are done with this first Athabascan song. Then we'll do the love songs on the Eagle side. But just bear with us cause my dance group is just tired of sitting. So you have to bear with us, even if we make mistakes, just bear with us, because our leader just passed away last summer from us. We were like a jelly and we didn't have any backbones to keep on with our work. But, ah, lucky thing we have Amy Marvin with us. She is the one who put us on, back on our feet after we lost Elsie Pratt. And we feel real bad. But Amy Marvin is the one who put us back on our feet. That's why you see us here. So bear with us, if we make mistakes just pardon us.

Dancing and Singing

00:05:50

This is a little intermission. These love songs were on, were all on the Eagle side. They composed these songs about their loved ones on the Raven side. So these were, these were all composed in Hoonah except for the first one by Jimmy Marks. He composed it around Terar "?", around Haines area.

And the, the thing that I wanted to talk about is, we have a, I brought out a bronze hat, which is ah, they're going to put it on, one of our family's granddaughter will be using this bronze hat. And this hat, the original came from Russia. One of our great uncles, his Tlingit name was



"*X'eidj'ak 'w*," he went over to Russia to, on a trip, I don't know how they made him go, but he was a strong Indian doctor at the same time. And when he was going across there, he was so scared. The food they were giving him, it wasn't Tlingit food. One of them was rice. When they offered him this rice he thought they were worms. So he couldn't eat it. And so, one of his Indian doctor spirits told him that it was food, your folks will be using it quite a bit later on. That's what he was told so he started to eat it.

After he got to Russia, after they land there, well he, everybody went to the steam bath, and he—well the Tlingits had always had steam baths, no matter what—and he went into it. You know what is going on and after he got out of there they wanted to give him a haircut. Naturally, this Indian doctor had fixed curls, his hair was never combed since he became an Indian doctor and they were long, and they wanted to cut those off. So they took him to barber shops. At the barber shops, they tried to cut his hair. Before they could cut any one single hair this barber would drop dead from heart attack. So they kept on trying until four barbers died. And so they finally stopped trying to cut his hair. And he had this, ah, spruce-root hat with a Raven design on it, and the Russians liked it. So they fixed him a bronze hat, a headpiece, it had four potlatch rings, ah, two potlatch rings on it. And, ah, he had a skin rope, they traded for a all-wool lined cape. So he brought those back. And while he was, while he was, ah, coming back he brought back lots of "*shada wahai yatki*?" that's, ah, "little axes." And, ah, our people called it "*shee yaksa kawoo*?" that's what they called it. They couldn't cut, chop the knots with it so they gave it a name, "it was just bouncing off of the knots."

And so he even brought back some chickens and hens, roosters and hens, so that they could lay eggs. And they had a place for it behind the Snail House. We have another name for this Snail House, it's Mount Fairweather house, but we always called it Snail House. The original name is Mount Fairweather house, "*Tax' hit*," ah, "*Tsalx'aaan hit i yodawa sak*?" that's was the name of it. "xxxxx," And, ah, "xxxxx." They put these chickens and, ah, I mean the hens and the roosters behind it. So among these Tlingits, there were some bad people. When the, when the roosters start to cock in the morning it used to wake people up from their deep sleep. And so some bad people just took the boys away from the, from this rooster every time when it talked it sounded like this "rooster noise." So they took the boys away from the roosters. My uncle and my great uncles used to tell us this story, so I never forgot.

So we have the replica of this bronze hat which you will see on, ah, "?" Marvin's head. And, ah, when they became Christians the missionaries would force the people to sell their old custom stuff and so they sold this uh, bronze hat to, well they sold it because the clan, the whole clan said it could be sold, so they did. And now we got the replica, about 15 or 20 years ago, that thing, we got a replica back, it belonged to my cousin Leonard Davis. I think everyone of you remembers him. Ah, Joe White and his clan brothers, they ordered this, it was done down south, and they brought it up and they gave it to Leonard Davis as a present to replace the one that his dad sold. So we still have it right here. It is the first time I have brought it out here, so I can tell a little history on it.

And, ah, I think that, there is a blanket too that belonged to Howard Grey, my late, ah, he was my cousin, but we called him, brother. Because the Tlingits, when you have immediate family, the whole family is brothers and sisters—we don't call aunts, first cousins, second cousins. No, we just call them brothers and sisters, that's all. And our aunts too we all call them, our mom. We sometimes we say, "Momma Sue, Momma Catherine, Momma Irene, Grandma Sue, Grandma Catherine, Grandma Mills," that's the way it is. My grandchildren call my sister "Grandma Sue, Grandma Irene", so that's the way it is, that's the way we were taught when we were growing up.

So, ah, my cousin had this, ah, bronze cap and my cousin Howard Grey, he passed on not too long ago. We still feel bad because he was a Mount Fairweather dancer too. He used to back us up all the way- he was our resource person and advisor. Now he had, he had made a blanket, a blanket of his, is called, the "*Danakoo*". The panel that's called "*Danakoo*" (Raven Nest House Screen) is at Sheldon Jackson Museum. It belonged to our great uncle at Sitka- it's still there. But one time I bought a postcard picture of it and brought it home to my mom so she can look at it once in a while because she thought that thing was gone forever now since it was in the museum. And then my mom, I told, ah, my sister-in-law, Jesse Grey, "I bought the picture of "*Danakoo X'een*" from SJ, if you want my brother to see it I'll let you have one." So she took it home. And as soon as she, Howard Grey looked at it he said, "Jesse, you start making blanket just like the postcard, just like postcard, right now. I'll give you commission to sew it." And so she worked and worked, she made it out of beads. It looks like that, that panel at Sheldon Jackson. And so, ah, I think Frank ??? will be wearing it- when he comes out here I will let you see it.

And ah, the little deer, I mean the "*Guwakaan*" this is a peacemaker. We have this peacemaker, we have this peacemaking, hostages we call them in English, but in Tlingit we call them "*Guwakaan*". So we have, the Ravens have two legged "*Guwakaan*," one of them was "*Hat? guwakaan*" that's the one, you will see part of it right here. And the other was "*Tsalxaan guwakaan*." I think last time when we were at the Tlingit and Haida building we showed that part, but this time we will show the other part. When the morals of the people is down, like the way we felt yesterday and today over the death of Mrs. "Mildred?" Sparks and our past governor (William?) Egan, our feelings were way down so when people's feelings are way down if you want to keep things going like the way it was scheduled, you have to, you have to sing this song to, in order to keep your morals up. "xxxxx."

"xxxxx." Elsa Pratt, "xxxxx." Howard Grey, William Johnson. "xxxxx."

So that next one will be this one, uh, we will start peace dance thing.

00:16:00

Oh, Ladies and Gentlemen, this is the blanket I was talking about. It's called "*Danakoo X'een naya ade kakow?*," this is all made out of bead work. And, ah, it belonged to Howard Grey. The

panel of this, this, ah, thing is at Sheldon Jackson Museum. We call it the "*Danakoo X'een*," it's a screen. So this, this blanket belonged to Howard Grey. Now that, ah, Frank, Frank ??? he's something like a son to me, so I call him son. And he's the one that's ah wearing it right now because the blanket he has on, its just like seeing Howard Grey on the stage again, that's the way we feel about it. All our family does. Okay.

And this, this is the bronze headpiece, we. The replica is from Russia and this I just—I mean the original was from Russia, and this one is the replica. And this is the one, it came back all the way from Russia, the replica. And this one came up from down south, so we really appreciate to have one of them back. So this is the one I told you about. Thank you. Ok, we'll go on with four love songs. We'll start on the raven side this time.

00:18:58

Amy just misplaced a blanket, she left it on the chair and its not there anymore, so she's looking for it so...

She finds the blanket.

I'll tell a little story about myself. We always stay at the Excursion Inlet. One time we were up at the lake to get some fish from the creek, so we went with two elderly couples, and when we were going back they saw a porcupine and they shot it. And after that I was pulling a wagon, a big wagon, and we had five dogs with us, two rifles, my aunt, my uncle, my cousin and myself. And so, I pulled the wagon ahead of them, just where the old camp was. All of the sudden I saw a black bear coming toward us—oh it was coming so fast. I just started to bark at it "*wa wa wa wa*" it was like that and it stood back. So I started to bark again, "*wa wa wa wa wa*," it started to run into the woods at the bark "*wa wa wa wa wa wa*" it started to run into the woods and I looked behind me, all the dogs were there were all behind me and they didn't even bark. So I was barking myself.

But then the next day, the next day, a white lady asked me, "What shall when we come face to face with a bear." I said, "Just bark at them, like a dog, like a real mean dog and it'll go away from you." And that evening she went bike riding, she came around the corner and came face-to-face with a big black bear. And she started to bark and the bear didn't even blink or anything, just looking at her. So she ran back on the bike, she took, she took off. And that, that next morning she was telling us, "I saw a bear and I barked at it, and it didn't even blink an eye, just stood there looking at me." And I asked her, "How did you bark?" She said, "oah oah". No wonder you didn't get the bear to run away from you! It sounded like you were calling it instead.

Dancing

00:27:30

This is the beginning of the peace dancer. Now, we will let four girls sing the love songs. We will sing with them. When out of time we will do all dance.

#### Singing and Dancing

00:31:00

The song we just got through singing it was composed by the late Albert Jackson from Hoonah. The second song will be, ah, the flood, we call it "The Flood Song," "xxxxx." And the person who composed it, his Tlingit name is "*Hoot ge esh Tak'dein hit da Hoonah?*"

00:35:50

The next song, the next song is composed at Hoonah too by Ann "Keena's?" father, his name was Charlie Charles, "xxxxx."

#### Singing

00:38:15

The next song is, we call it the "Cherry Song." A steamboat was once called the "Cherry." And this man, ah, Mr. Hawkins, ah, from Hoonah, he was a "*ka sit taan?*" and he, the "xxxxx" was gone away from him for a long time and every time when he was expecting it, well each time when the Cherry's whistle blow, he thought it was his "xxxxx," that's his voice.

#### Singing

00:42:20

These are, these are the four girls that will dance around the, the hostage we call, in Tlingit we call it "*Guwakaan*." They always dance around this, ah, this hostage, in case he falls over, these girls will grab him before he falls on the floor--that's the way we show respect to our fellow people, the Tlingits. We, that's why we have so much respect for each other, even the little ones you respect them. If they are your father's family you say "xxxxx." "He already came back, he was gone, now he is back again." That's the way we respect each other. Without this peacemaking thing, we would have grudges against each other and we'll be sort of grumbling at each other or cussing at each other. But through this, ah, peacemaking thing, we supposed to be real happy and loving- love for your neighbors and everything. That's the way it is, respect your neighbors as much as you respect yourself. Ah, this is what we are going, we are want to show to the children what they can do if they have a little trouble in the Tlingit way, without having this peace dance, this grudge will never be right until they have this peace dance and then everything is fine forever. This is the way we were told. And so even if somebody is cussing at you or talking behind you, you have to ignore it from then on. You just have to smile whenever someone is trying to quarrel with you. Just turn your other face, turn away from it, and just be

respectful to everybody. So we are beginning with, the last four songs will all be on this hostage, we call "Guwakaan."

Singing

---

**Biography:**

<Katherine Brown Mills was born on June 5, 1915 to Paul Brown and Mary Sarabia at the PAF Cannery at the end of Excursion Inlet, in what is now Glacier Bay National Park, up the bay from the present day location of Excursion Inlet Packing. Her Tlingit name was Yakwxwaan Tláa. She was born into the Raven moiety, the T'akdeintaan clan, and the Kaa Shaayi Hít (Head House, an extension of Tax' Hít, Snail House). Through her father's line she was Kaagwaantaan yádi (Child of Kaagwaantaan) and Kookhittaan yádi (Child of the Box House). Her siblings include Irene Lampe of Juneau, Robert Sarabia of Seward, the late Edward Sarabia of Juneau, and the late Susan Belarde of Anchorage. She died on August 16, 1993. The 1994 date on the DVD probably indicates that it is a copy of an earlier tape.>

---

**Notes about the transcription:**

**Transcribers:**

1. The transcriber used "xxxx" to represent the Tlingit words that were not familiar or audible.
2. The "?" represents best guess.
3. Anything with () is an explanatory note added by the transcriber.

